



Montana Legislative History

Chapter: 280 Session L: 2013

Checklist of Bill History

Bill Number: 280 House / Senate

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



House

Committee:

Education
Appropriations

Hearing Date(s):

2-13-13 & 2-15-13

2-21-23 & 2-22-23

Committee Report:

Senate

Committee:

Education & Cultural Resource

Hearing Date(s):

3-11-13 and 3-27-13

Committee Report:

Conference Committee

Hearing Date(s):

n/a

Conference Committee Report:

Compiler Notes

Compiled by:

Date:

Notes:

Bill Draft Number: LC1836**Bill Type - Number:** HB 286**Short Title:** Allowing board of regents to waive tuition and fees for certain students**Primary Sponsor:** Clarena Brockie (D) HD 32**Chapter Number:** 280**Bill Actions - Current Bill Progress:** Became Law**Bill Action Count:** 59

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/24/2013			
(H) Signed by Governor	04/24/2013			
(H) Transmitted to Governor	04/17/2013			
(S) Signed by President	04/16/2013			
(H) Signed by Speaker	04/16/2013			
(H) Returned from Enrolling	04/15/2013			
(C) Printed - Enrolled Version Available	04/15/2013			
(H) Sent to Enrolling	04/13/2013			
(H) 3rd Reading Passed as Amended by Senate	04/13/2013	83	14	
(H) Scheduled for 3rd Reading	04/13/2013			
(H) 2nd Reading Senate Amendments Concurred	04/12/2013	94	6	
(H) Scheduled for 2nd Reading	04/12/2013			
(S) Returned to House with Amendments	04/08/2013			
(S) 3rd Reading Concurred	04/08/2013	28	22	
(S) Scheduled for 3rd Reading	04/08/2013			
(S) 2nd Reading Concurred	04/06/2013	34	16	
(S) Scheduled for 2nd Reading	04/06/2013			
(S) Committee Report--Bill Concurred as Amended	03/28/2013			(S) Education and Cultural Resources
(C) Printed - New Version Available	03/28/2013			
(S) Committee Executive Action--Bill Concurred as Amended	03/27/2013	9	1	(S) Education and Cultural Resources
(S) Hearing	03/11/2013			(S) Education and Cultural Resources
(S) Referred to Committee	03/06/2013			(S) Education and Cultural Resources
(S) First Reading	03/06/2013			
(H) Transmitted to Senate	02/26/2013			
(H) 3rd Reading Passed	02/25/2013	81	17	
(H) Scheduled for 3rd Reading	02/25/2013			
(H) Committee Report--Bill Passed	02/23/2013			(H) Appropriations
(H) Committee Executive Action--Bill Passed	02/22/2013	21	0	(H) Appropriations

(H) Hearing	02/21/2013		(H) Appropriations
(H) Rereferred to Committee	02/19/2013		(H) Appropriations
(H) 2nd Reading Passed	02/19/2013	83	17
(H) Scheduled for 2nd Reading	02/19/2013		
(C) Printed - New Version Available	02/16/2013		
(H) Committee Report--Bill Passed as Amended	02/16/2013		(H) Education
(H) Committee Executive Action--Bill Passed as Amended	02/15/2013	18	0 (H) Education
(H) Hearing	02/13/2013		(H) Education
(H) Hearing Canceled	02/05/2013		(H) Education
(H) Fiscal Note Printed	02/02/2013		(H) Education
(H) Fiscal Note Signed	02/01/2013		
(H) Fiscal Note Received	02/01/2013		
(H) Rereferred to Committee	01/31/2013		(H) Education
(H) Hearing Canceled	01/30/2013		(H) State Administration
(H) First Reading	01/24/2013		
(H) Referred to Committee	01/24/2013		(H) State Administration
(C) Introduced Bill Text Available Electronically	01/24/2013		
(H) Fiscal Note Requested	01/23/2013		
(H) Introduced	01/23/2013		
(C) Draft Delivered to Requester	01/21/2013		
(C) Draft Ready for Delivery	01/18/2013		
(C) Draft in Assembly/Executive Director Review	01/18/2013		
(C) Draft in Final Drafter Review	01/17/2013		
(C) Bill Draft Text Available Electronically	01/17/2013		
(C) Draft in Input/Proofing	01/17/2013		
(C) Draft to Drafter - Edit Review [SAB]	01/17/2013		
(C) Draft in Legal Review	01/16/2013		
(C) Fiscal Note Probable	01/16/2013		
(C) Draft to Requester for Review	01/15/2013		
(C) Draft On Hold	01/07/2013		
(C) Draft Request Received	01/07/2013		

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Brockie	Clarena	
Drafter	Sankey Keip	Laura	
Primary Sponsor	Brockie	Clarena	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Schools and Education		Simple	SCH

Additional Bill Information

Fiscal Note Probable: Yes

Preintroduction Required: N

Session Law Ch. Number: 280

DEADLINE

Category: General Bills

Transmittal Date: 02/28/2013

Return (with 2nd house amendments) Date: 04/08/2013

Section Effective Dates

Section(s) Effective Date Date Qualified

All Sections 01-JUL-13



AN ACT EXPANDING THE ELIGIBILITY FOR TUITION AND FEE WAIVERS TO INCLUDE RESIDENTS OF MONTANA WHO ARE ENROLLED MEMBERS OF A STATE-RECOGNIZED OR FEDERALLY RECOGNIZED INDIAN TRIBE LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA; AMENDING SECTION 20-25-421, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-25-421, MCA, is amended to read:

"20-25-421. Charges for tuition -- waivers. (1) The regents may prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction.

(2) The regents may:

(a) waive nonresident tuition for selected and approved nonresident students, not to exceed at any unit 2% of the full-time equivalent enrollment at that unit during the preceding year; however, when necessary, tuition may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student support fee by the reciprocal state;

(b) waive resident tuition for students at least 62 years of age;

(c) waive tuition and fees for:

(i) persons of one-fourth Indian blood or more who have one-fourth Indian blood or more or are enrolled members of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana and who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) persons designated by the department of corrections pursuant to 52-5-112 or 53-1-214;

(iii) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

(iv) children of residents of Montana who served with the armed forces of the United States in any of its

wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States;

(v) the spouses or children of residents of Montana who have been declared to be prisoners of war or missing in action; or

(vi) the spouse or children of a Montana national guard member who was killed or died as a result of injury, disease, or other disability incurred in the line of duty while serving on state active duty;

(d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets the entrance requirements at the state university or college of the person's choice and is the surviving spouse or child of any of the following who were killed in the course and scope of employment:

(i) a paid or volunteer member of a municipal or rural fire department;

(ii) a law enforcement officer as defined in 7-32-201; or

(iii) a full-time highway patrol officer.

(3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition for up to 5,000 credits each academic year."

Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

Section 3. Effective date. [This act] is effective July 1, 2013.

- END -

I hereby certify that the within bill,
HB 0286, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 286

INTRODUCED BY C. BROCKIE, L. WHITFORD, B. SMITH, D. SALOMON, R. PEPPERS,
F. CALF BOSS RIBS, C. PEASE-LOPEZ

AN ACT EXPANDING THE ELIGIBILITY FOR TUITION AND FEE WAIVERS TO INCLUDE RESIDENTS OF MONTANA WHO ARE ENROLLED MEMBERS OF A STATE-RECOGNIZED OR FEDERALLY RECOGNIZED INDIAN TRIBE LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA; AMENDING SECTION 20-25-421, MCA; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 286

INTRODUCED BY C. BROCKIE

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE ELIGIBILITY FOR TUITION AND FEE WAIVERS TO INCLUDE RESIDENTS OF MONTANA WHO ARE ENROLLED MEMBERS OF A STATE-RECOGNIZED OR FEDERALLY RECOGNIZED INDIAN TRIBE; AMENDING SECTION 20-25-421, MCA; AND PROVIDING AN EFFECTIVE DATE."

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(b) waive resident tuition for students at least 62 years of age;

(c) waive tuition and fees for:

(i) ~~persons of one-fourth Indian blood or more~~ persons who are enrolled members of a state-recognized or federally recognized Indian tribe and who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) persons designated by the department of corrections pursuant to 52-5-112 or 53-1-214;

(iii) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

(iv) children of residents of Montana who served with the armed forces of the United States in any of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States;

(v) the spouses or children of residents of Montana who have been declared to be prisoners of war or missing in action; or

(vi) the spouse or children of a Montana national guard member who was killed or died as a result of injury, disease, or other disability incurred in the line of duty while serving on state active duty;

(d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets the entrance requirements at the state university or college of the person's choice and is the surviving spouse or child of any of the following who were killed in the course and scope of employment:

(i) a paid or volunteer member of a municipal or rural fire department;

(ii) a law enforcement officer as defined in 7-32-201; or

(iii) a full-time highway patrol officer.

(3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition for up to 5,000 credits each academic year."

NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2013.

- END -

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F. CALF BOSS RIBS, C. PEASE-LOPEZ

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may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any
WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student
support fee by the reciprocal state;

(b) waive resident tuition for students at least 62 years of age;

(c) waive tuition and fees for:

(i) ~~persons of one-fourth Indian blood or more~~ persons who HAVE ONE-FOURTH INDIAN BLOOD OR MORE OR are
enrolled members of a state-recognized or federally recognized Indian tribe and who have been bona fide
residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) persons designated by the department of corrections pursuant to 52-5-112 or 53-1-214;

(iii) residents of Montana who served with the armed forces of the United States in any of its wars and
who were honorably discharged from military service;

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wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the

1 service of the armed forces of the United States;

2 (v) the spouses or children of residents of Montana who have been declared to be prisoners of war or
3 missing in action; or

4 (vi) the spouse or children of a Montana national guard member who was killed or died as a result of
5 injury, disease, or other disability incurred in the line of duty while serving on state active duty;

6 (d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the
7 course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets
8 the entrance requirements at the state university or college of the person's choice and is the surviving spouse
9 or child of any of the following who were killed in the course and scope of employment:

10 (i) a paid or volunteer member of a municipal or rural fire department;

11 (ii) a law enforcement officer as defined in 7-32-201; or

12 (iii) a full-time highway patrol officer.

13 (3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition
14 for up to 5,000 credits each academic year."

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17 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
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THE STATE OF MONTANA and who have been bona fide residents of Montana for at least 1 year prior to enrollment
in the Montana university system;

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who were honorably discharged from military service;

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1 wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the
2 service of the armed forces of the United States;

3 (v) the spouses or children of residents of Montana who have been declared to be prisoners of war or
4 missing in action; or

5 (vi) the spouse or children of a Montana national guard member who was killed or died as a result of
6 injury, disease, or other disability incurred in the line of duty while serving on state active duty;

7 (d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the
8 course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets
9 the entrance requirements at the state university or college of the person's choice and is the surviving spouse
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21 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2013.

22 - END -



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill #	HB0286	Title:	Allowing board of regents to waive tuition and fees for certain students
Primary Sponsor:	Brockie, Clarena	Status:	As Introduced

- | | | |
|---|--|--|
| ☐ Significant Local Gov Impact | ☒ Needs to be included in HB 2 | ☐ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts | ☐ Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
Expenditures:				
General Fund	\$596,402	\$596,402	\$605,348	\$614,429
Other	\$130,918	\$130,918	\$132,881	\$134,875
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$596,402)</u>	<u>(\$596,402)</u>	<u>(\$605,348)</u>	<u>(\$614,429)</u>

Description of fiscal impact: HB 296 expands the eligibility of the Montana University System American Indian resident waivers to enrolled members of a state-recognized or federally recognized Indian tribe.

FISCAL ANALYSIS

Assumptions:

1. Based on self reported enrollment data of students attending Montana public colleges and universities in Fall, 2012 there were 2,323 American Indians attending public colleges and universities (excluding Community Colleges).
2. In FY 2012, 50% of the enrolled American Indian students received an average waiver of \$3,135 per year.
3. It is assumed that the expanded eligibility would increase the amount of waivers granted to American Indians to 60%, an increase of 232 students per year, for an estimated increased cost of \$727,320 per year.
4. It is assumed that the state share would equal 82% or \$596,402.
5. A 1.5% inflation factor is applied in FY 2016 and FY 2017.

	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Waivers (628xx)	\$727,320	\$727,320	\$738,230	\$749,303
TOTAL Expenditures	\$727,320	\$727,320	\$738,230	\$749,303
<u>Funding of Expenditures:</u>				
MUS - General Fund (01)	\$596,402	\$596,402	\$605,348	\$614,429
MUS Tuition/Other	\$130,918	\$130,918	\$132,881	\$134,875
TOTAL Funding of Exp.	\$727,320	\$727,320	\$738,230	\$749,303
<u>Revenues:</u>				
MUS - General Fund (01)	\$0	\$0	\$0	\$0
MUS Tuition/Other	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
MUS - General Fund (01)	(\$596,402)	(\$596,402)	(\$605,348)	(\$614,429)
MUS Tuition/Other	(\$130,918)	(\$130,918)	(\$132,881)	(\$134,875)

Sponsor's Initials_____
Date_____
Budget Director's Initials_____
Date

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: Chair Kris Hansen, on February 13, 2013 at 3:00 PM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Kris Hansen, Chair (R)
Rep. Joanne G. Blyton, Vice Chair (R)
Rep. Clarena Brockie (D)
Rep. Douglas Coffin (D)
Rep. David Halvorson (R)
Rep. Greg Hertz (R)
Rep. Sarah Laszloffy (R)
Rep. Jonathan McNiven (R)
Rep. Jean Price (D)
Rep. Daniel R. Salomon (R)
Rep. Casey Schreiner (D)
Rep. Nicholas Schwaderer (R)
Rep. Ted Washburn (R)
Rep. Franke Wilmer (D)

Members Excused: Rep. Edith (Edie) McClafferty, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Mark Blasdel (R)
Rep. Edward Greef (R)

Members Absent: None

Staff Present: Laura Sankey, Legislative Branch
Marissa Stockton, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 378, 2/5/2013 HB 372, 2/2/2013 HB 286, 2/4/2013

HEARING ON HB 286

Opening Statement by Sponsor:

00:21:43 Rep. Clarena Brockie (D), HD 32, opened the hearing on HB 286, Allowing board of regents to waive tuition and fees for certain students.

[EXHIBIT\(edh32a01\)](#)

[EXHIBIT\(edh32a02\)](#)

[EXHIBIT\(edh32a03\)](#)

Proponents' Testimony:

00:29:47 Shane Morigeau, Self

[EXHIBIT\(edh32a04\)](#)

00:33:25 Asa Hohman, Associated Students of the University of Montana (ASUM)

00:34:27 Dustin Monroe, Self

00:36:09 Dennis Parman, Office of Public Instruction (OPI)

00:37:43 Rep. Rae Peppers, HD 41

00:38:44 Leona Kienenberger, Shell Tribe

Opponents' Testimony: None

Informational Testimony:

00:41:14 Mick Robinson, Deputy Commissioner, Office of Higher Education (OCHE)

Questions from Committee Members and Responses:

00:43:15 Chair Hansen

00:43:24 Mick Robinson, OCHE

00:43:28 Chair Hansen

00:43:39 Mick Robinson, OCHE

00:44:52 Chair Hansen

00:45:17 Mick Robinson, OCHE

00:45:56 Chair Hansen

00:46:02 Rep. Wilmer

00:46:27 Dustin Monroe

00:46:29 Rep. Wilmer

00:46:50 Dustin Monroe

00:48:49 Rep. Salomon

00:49:33 Rep. Brockie

Closing by Sponsor:

00:50:01 Rep. Brockie

00:51:52 Chair Hansen

HEARING ON HB 372

Opening Statement by Sponsor:

00:52:13 Rep. Roy Hollandsworth (R), HD 28, opened the hearing on HB 372, Deposit lottery revenues in quality school facility and technology account.

[EXHIBIT\(edh32a05\)](#)

00:54:30 Chair Hansen
00:54:57 Rep. Hollandsworth

Proponents' Testimony:

00:55:20 Dan Villa, Budget Director, Governor's Office
00:57:29 Kelly Lynch, Department of Commerce (MDOC)
01:05:03 Dennis Parman, OPI

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:06:14 Rep. Wilmer
01:07:11 Dan Villa, Governor's Office
01:07:42 Rep. Wilmer
01:08:04 Dan Villa, Governor's Office
01:08:24 Rep. Wilmer
01:08:31 Dan Villa, Governor's Office
01:08:45 Rep. Washburn
01:09:00 Dan Villa, Governor's Office
01:09:23 Rep. Washburn
01:09:30 Dan Villa, Governor's Office
01:09:40 Rep. Salomon
01:09:51 Dan Villa, Governor's Office

EXHIBIT(edh32a06)

01:10:23 Rep. Salomon
01:10:38 Dan Villa, Governor's Office
01:10:46 Chair Hansen
01:11:04 Kelly Lynch, MDOC
01:14:31 Chair Hansen
01:14:47 Kelly Lynch, MDOC
01:14:55 Chair Hansen
01:15:16 Kelly Lynch, MDOC
01:15:47 Chair Hansen
01:15:55 Kelly Lynch, MDOC
01:17:04 Chair Hansen
01:17:13 Kelly Lynch, MDOC
01:17:44 Chair Hansen
01:18:13 Kelly Lynch, MDOC
01:18:53 Chair Hansen
01:19:00 Kelly Lynch, MDOC
01:19:02 Chair Hansen
01:19:10 Rep. Halvorson
01:19:26 Dan Villa, Governor's Office
01:19:50 Rep. Halvorson
01:20:08 Dan Villa, Governor's Office
01:20:13 Rep. Halvorson
01:20:17 Dan Villa, Governor's Office
01:20:24 Rep. Halvorson

01:20:50 Dan Villa, Governor's Office
01:21:43 Chair Hansen
01:21:58 Dan Villa, Governor's Office
01:22:05 Chair Hansen
01:23:02 Dan Villa, Governor's Office
01:23:29 Chair Hansen
01:23:33 Kelly Lynch, MDOC
01:23:59 Chair Hansen
01:24:02 Rep. McNiven
01:24:46 Kelly Lynch, MDOC
01:24:56 Rep. Greef
01:25:46 Dan Villa, Governor's Office
01:26:07 Rep. Greef
01:26:12 Dan Villa, Governor's Office

Closing by Sponsor: None

01:27:33 Chair Hansen

HEARING ON HB 378

Opening Statement by Sponsor:

01:28:13 Rep. Edith (Edie) McClafferty (D), HD 75, opened the hearing on HB 378,
Provide for inflation, increase basic ent., per ANB & quality educator payment.

Proponents' Testimony:

01:28:59 Dan Villa, Governor's Office
01:30:35 Marco Ferro, Montana Education Association-Montana Federation of Teachers
(MEA-MFT)
01:31:04 Dennis Parman, OPI
01:31:30 E.J. Redding, Bainville Public Schools

Opponents' Testimony: None

Informational Testimony:

01:32:21 Jim Standaert, Legislative Fiscal Division (LFD)

Questions from Committee Members and Responses:

01:32:41 Rep. Salomon
01:33:08 Jim Standaert, LFD
01:34:12 Rep. Salomon
01:34:22 Jim Standaert, LFD
01:34:34 Rep. Salomon
01:34:52 Jim Standaert, LFD
01:35:01 Chair Hansen
01:35:26 Jim Standaert, LFD
01:35:43 Chair Hansen
01:36:04 Dan Villa, Governor's Budget

Closing by Sponsor:

01:36:26 Rep. McClafferty

01:36:35 Chair Hansen

ADJOURNMENT

Adjournment: 01:37:25

Marissa Stockton, Secretary

ms

Additional Documents:

EXHIBIT([edh32aad.pdf](#))

Representative Clarena M. Brockie
House District 32
Counties of Hill, Blaine, and Phillips
Ft. Belknap Indian Reservation, south Chinook,
Harlem, south Havre and Rocky Boy Indian
Reservation

HOUSE BILL 286

Good Afternoon Madam Chair and members of the committee. I am Representative Clarena M. Brockie from House District 32. Today I bring you HS 32. A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE ELIGIBILITY FOR TUITION AND FEE WAIVERS TO INCLUDE RESIDENTS OF MONTANA WHO ARE ENROLLED MEMBERS OF A STATE RECOGNIZED OR FEDERALLY RECOGNIZED INDIAN TRIBE: AMENDING SECTION 20-25-421, MCA; AND PROVIDING AN EFFECTIVE DATE." This bill is at the request of students and the Fort Belknap Indian Community Council and the Little Shell Band of Indians.

The bill I am introducing today, HB 286, "An act expanding the eligibility for tuition and fee waivers to include residents of Montana who are enrolled members of a state recognized or federally recognized tribe," amending section 20-25-421, MCA; and providing an effective date."

The current bill provides for various waivers such as those who served in the armed forces of the U.S.; older residents, and a waiver of tuition and fees for "*persons of one-fourth Indian Blood or more, who are bona fide residents of Montana for at least one year prior to enrolling in the Montana University system.*" In addition to qualify for this waiver, students must:

- a. Complete a FAFSA, and have a financial need;
- b. Show academic progress;
- c. And be able to prove they are at least $\frac{1}{4}$ Indian. They do not have to be members of a tribe or even a tribe from Montana, they only have to prove they are $\frac{1}{4}$ Indian and residents of Montana.

I am not advocating against the students who currently qualify. I am submitting this bill to include those students who are members of a tribe be eligible to receive a fee waiver. There are eleven tribes in Montana and seven reservations. These tribes have a special relationship with the state of Montana as well as the U.S. Government through their treaties and other agreements. These treaties include the exchange of land, natural resources and their whole way of life for the health and welfare of these tribes. Including education.

Services provided to Native Americans on reservation are based are their enrollment or membership in that tribe. The Indian tribes of Montana do not all have the same requirements for enrollment. At one time $\frac{1}{4}$ was used as the measuring tool, for many tribes. But some of the tribes of Montana have changed their membership to be less than $\frac{1}{4}$; for the Cheyenne is has been over twenty years. For the two tribes at Fort Belknap Indian Reservation, it has been over ten years. These students are not eligible for the tuition waiver. Because of a shortage in the Tribal Higher Education Program, students are funded only a portion of their unmet need. And with the Pell changes, it has limited the opportunities for the students.

By passing this bill the benefit to the State of Montana would be an investment of the future of these young adults and provide them an affordable education.

- These students will attend four year institutions and those institution will receive full time equivalent funding for everyone one of these students;
- Students will contribute to the community of the college of their choice by the rent, utilities, groceries, daycare, gas and taxes they pay;
- Students will get a good education and become productive citizens of Montana;
- There is a shortage of Native American teachers on the reservation, as well as Native American nurses. Those educated in these areas will address an unmet need on and off reservation.
- Montana Indians generally like staying the in community they grew up on it and many return home after their education. Students who receive their teaching degree return home, students who are trained in the medical field return home, helping to address the high unemployment on reservation.

There are several witnesses here today who would like to speak on the bill. Thank you and I reserve the right to close.



AANIIH NAKODA COLLEGE

Empowering Identity and Ways of Knowing



February 13, 2012

Kris Hansen
Chairwoman, House Education Committee
and Committee Members
Helena, Montana

Dear Chairwoman Hansen and Committee Members::

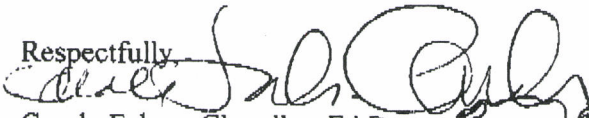
First, I apologize for not traveling to Helena to provide testimony for an important bill. Today, our Fort Belknap Community is holding a funeral for an 18 year old young man who died of a gunshot wound and most of our local college students are attending the services.

It is of the utmost importance to the Fort Belknap Indian Community and all Tribes in Montana that the current Montana University System Indian Fee Waiver be changed to include *students who are tribally enrolled but do not meet the 1/4 from a federally recognized Montana Tribe.*

Our students transfer from our tribal colleges to the four year Montana institutions. Those students who are tribally enrolled and do not meet the 1/4 requirement possess limited financial aide and because of this limitation many have to leave college and return home. An personal example is a grandson attends MSU-Northern. He receives a partial athletic scholarship for tuition and fees only. He is enrolled as less than 1/4 Gros Ventre. If he is enrolled as a tribal member, how could he be ineligible for the Indian Fee Waiver? He wanted to be here today; however; he is a good student and did not want to miss his classes. I worry that he may not complete his education at this time due to financial worries. His parents are not in a good financial situation to help him with all his expenses, i.e. board and room. *The Montana University System Indian Fee Waiver would certainly help him complete his degree.* He received numerous high school scholarships last year while he was a freshman.

As I previously stated, our tribal college students transfer to MSU-Northern, MSU-Billings, University of Montana, MSU-Bozeman and other Montana Colleges. Those students who do not meet the eligibility requirements for the Waiver could have just a little bit more in their pockets and not have to worry if your Committee would include the tribally enrolled students who are less than 1/4.

Respectfully,


Carole Falcon-Chandler, Ed.D.
President

P.O. Box 159 • Harlem, Montana 59526
406.353.2607 • fax 406.353.2898 • www.fbcc.edu

Accredited through Northwest Commission on Colleges and Universities

Fort Belknap Indian Community



Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526-9455
PH: (406) 353-2205
FAX: Council - (406) 353-4541
FAX: Departments - (406) 353-2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboiné and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

TESTIMONY OF THE FORT BELKNAP INDIAN COMMUNITY

HB - 286: 'An Act expanding the eligibility for tuition and fee waivers to include residents of Montana who are enrolled members of a state recognized or federally recognized tribe,' amending section 20-25-421, MCA; and providing an effective date.

Testimony to the Legislative Committee

Good afternoon. My name is Loren 'Bum' Stiffarm and I serve as the Chief Administrative Officer for the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation. In my position I have oversight of all the Tribal Programs at Fort Belknap among these are the Higher Education Program (scholarships), Head Start, Child Care, Upward Bound, and Talent Search.

The Fort Belknap Indian Community Council strongly supports House Bill No. 286 by taking out the language in the current bill which state 'persons of one fourth Indian blood or more' are eligible to participate in this program.

Fort Belknap is one of seven Indian Reservations in the State of Montana and each of the tribal governments have their own Enrollment Offices which has specific enrollment criteria for membership into their respective tribes.

At Fort Belknap we are very unique in that we have two separate tribal nations that reside here. We have the Assiniboiné or Nakoda and the Gros Ventre or Aaniiih Nakoda nations that live here.

However, the enrollment criteria for membership enrollment at Fort Belknap used to be that you could be enrolled into Fort Belknap if you were of certain degrees of Indian blood. These were:

- ◆ 1/4 degree of Gros Ventre blood
- ◆ 1/4 degree of Assiniboine blood
- ◆ 1/4 combination of both Gros Ventre or Assiniboine blood

In 2001, the Fort Belknap Indian Community Council changed the Eligibility for Enrollment to:

- ◆ Each person of one eighth (1/8) or more Indian blood, as defined in the Fort Belknap Indian Community's Constitution as stated in language previously mentioned.

So, in essence the Council changed our enrollment criteria from 1/4 to 1/8 blood quantum. But as the current language in state statute now is such that some of our 200 college students would not be able to qualify for the State Fee Waiver simply because of our blood quantum

I am a prime example of how college students would be adversely affected if the language is not changed.

- ◆ I am 7/8 degree Indian blood. My mother is a full blooded Cree enrolled at Rocky Boy. My father was 3/4 Gros Ventre enrolled at Fort Belknap.
- ◆ So, I am 1/2 Cree blood as well as 3/8 Gros Ventre blood and enrolled at Fort Belknap.

But what is even more confusing is that my children are:

- ◆ 1/4 degree of Cree blood but are not enrolled at Rocky Boy.
- ◆ 1/8 degree of Gros Ventre blood but are enrolled in Fort Belknap.

If you were to pass HB 286, my children would have been eligible to participate in the program while they were in college . But again it is a need based program and they would not have qualified anyway due to other circumstances. So what this tells you, is just because you are changing the language in the bill, ***not all Indian students will be eligible for the State Fee Waiver as it is a need based program.***

I would again like to voice the Fort Belknap Indian Community's strong support for HB 286. I thank you very much for the opportunity to testify on this bill.

House of Representatives
Education Committee
Hon. Kris Hansen
63rd Montana State Legislature
Capitol Building
Helena, Montana

February 13, 2013

RE: House Bill 286 "Allowing Board of Regents to Waive Tuition and Fees for Certain Students"

Madam Chair and Committee Members:

Hello, my name is Shane Morigeau. I am a member of the Confederated Salish and Kootenai Tribes (CSKT) and I am here today on behalf of The Confederated Salish and Kootenai Tribes to support the passage of House Bill 286, a bill that provides educational opportunities for all enrolled members of federally recognized tribes and state recognized tribes.

Now I'm not here to lecture the committee on federal law and policy in recognizing tribal sovereignty and tribal membership. Clearly, the state makes efforts to honor tribal inherent rights of self-governance. But the following points are worth restating. First, I want the committee to be aware that in order to be an enrolled CSKT member you must meet the one-fourth degree blood quantum requirement. This happens to conform to the current provision in § 20-25-421, MCA that allows for tuition waivers for persons "of one-fourth Indian blood or more." However, the one-fourth blood quantum enrollment requirement that CSKT requires, is not the same for all Montana tribes.

I am here today because the CSKT fully support the right of tribes to define their own membership. The U.S. Supreme Court has repeatedly affirmed that tribes have an inherent right to determine their own membership. Specifically, in the 1978 case of *Santa Clara Pueblo v. Martinez*, the Supreme Court noted that "[a] tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978) (emphasis added) (citing *Roff v. Burney*, 168 U.S. 218 (1897)).

With this in mind, the current statutory reference to "persons of one-fourth Indian blood" seems arbitrary. Such language creates the impression that the State does not respect tribes' right to define their own membership and is instead endeavoring, on its own, to determine what is "Indian enough." Accordingly, it would be proper under history, law, and policy to eliminate the language referring

to "one-fourth Indian blood" and instead to defer to tribes' right to define their own membership by referring only to enrollment.

The CSKT believe that this change will have a more positive impact on tribes in Montana as well. All enrolled members will be eligible to acquire educational opportunities. This in turn will have positive impacts in the state of Montana as these members will become the next leaders, innovators and entrepreneurs. Ultimately leading to positive economic impacts everywhere in Montana. This really is a win-win for Tribes and the State.

Thank you,

A handwritten signature in cursive script, appearing to read "Shane Morigeau".

Shane Morigeau

Montana State Legislature

2013 Session

Additional Documents include:

- *Business Report**
- *Roll Call- attendance**
- *Standing Committee Reports,**
- *Table Bills, Fiscal reports etc.**
- *Roll Call Votes**
- *Witness Statements**
- *Informational items**
- *Visitor Registrations**
- *Any other Documents;**
 - ~Petitions if any?**
 - ~Any and all material handed in after the meeting end.**

**The original is on file at the
Montana Historical Society and
may be viewed there.**

**Montana Historical Society Archives
225 N. Roberts
Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton**

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE EDUCATION COMMITTEE

Date: Wednesday, February 13, 2013
Place: Capitol

Time: 3:00 PM
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 286 - Allowing board of regents to waive tuition and fees for certain students
HB 372 - Deposit lottery revenues in quality school facility and technology account
HB 378 - Provide for inflation, increase basic ent., per ANB & quality educator payment

EXECUTIVE ACTION TAKEN:

Comments:

A handwritten signature in black ink, appearing to be 'KH' with a long horizontal stroke extending to the right, positioned above a solid horizontal line.

REP. Kris Hansen, Chair

HOUSE OF REPRESENTATIVES
Roll Call
EDUCATION COMMITTEE

DATE: 2/13/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
REP. KRISTIN HANSEN, CHAIR	X	
REP. JOANNE BLYTON, VICE CHAIR	X	
REP. EDIE MCCLAFFERTY, VICE CHAIR		X
REP. BRYCE BENNETT		X
SPEAKER BLASDEL		X
REP. CLARENA BROCKIE	X	
REP. DOUGLAS COFFIN	X	
REP. EDWARD GREEF		X
REP. DAVID HALVORSON	X	
REP. GREG HERTZ	X	
REP. SARAH LASZLOFFY	X	
REP. JONATHAN MCNIVEN	X	
REP. JEAN PRICE	X	
REP. DAN SALOMON	X	
REP. CASEY SCHREINER	X	
REP. NICHOLAS SCHWADERER	X	
REP. TED WASHBURN	X	
REP. FRANKE WILMER	X	

MONTANA House of Representatives
Visitors Register
HOUSE EDUCATION COMMITTEE

Wednesday, February 13, 2013

HB 372 - Deposit lottery revenues in quality school facility and technology account

Sponsor: Rep. Roy Hollandsworth

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE EDUCATION COMMITTEE

Wednesday, February 13, 2013

HB 286 - Allowing board of regents to waive tuition and fees for certain students

Sponsor: Rep. Clarena Brockie

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE EDUCATION COMMITTEE

Wednesday, February 13, 2013

HB 378 - Provide for inflation, increase basic ent., per ANB & quality educator payment

Sponsor: Rep. Edith (Edie) McClafferty

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: Chair Kris Hansen, on February 15, 2013 at 3:00 PM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Kris Hansen, Chair (R)
Rep. Joanne G. Blyton, Vice Chair (R)
Rep. Edith (Edie) McClafferty, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Clarena Brockie (D)
Rep. Douglas Coffin (D)
Rep. Edward Greef (R)
Rep. David Halvorson (R)
Rep. Greg Hertz (R)
Rep. Sarah Laszloffy (R)
Rep. Jean Price (D)
Rep. Daniel R. Salomon (R)
Rep. Casey Schreiner (D)
Rep. Ted Washburn (R)
Rep. Franke Wilmer (D)

Members Excused: Rep. Mark Blasdel (R)
Rep. Jonathan McNiven (R)
Rep. Nicholas Schwaderer (R)

Members Absent: None

Staff Present: Laura Sankey, Legislative Branch
Marissa Stockton, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 447, 2/12/2013
Executive Action: HB 301, HB 286, HB 313

00:28:47 Chair Hansen
00:28:52 Rep. McNiven arrived to the meeting.

EXECUTIVE ACTION ON HB 286

00:29:01 **Motion:** Rep. Blyton moved that **HB 286 DO PASS.**

Discussion:

00:29:20 Rep. Wilmer
00:30:04 Chair Hansen
00:30:28 Rep. Coffin
00:30:46 Chair Hansen
00:30:48 Rep. Brockie

00:31:11 **Motion:** Rep. Brockie moved that **HB 286 BE AMENDED.**
EXHIBIT(edh34a01)

Discussion:

00:31:27 Chair Hansen
00:32:26 Rep. Brockie
00:32:28 Chair Hansen
00:33:36 Rep. Brockie
00:36:39 Rep. Wilmer
00:37:23 Rep. Hertz
00:37:56 Rep. Brockie
00:39:10 Rep. Coffin
00:39:29 Chair Hansen
00:39:56 Rep. Brockie
00:40:09 Chair Hansen
00:40:16 Rep. Brockie
00:40:21 Rep. Salomon
00:40:41 Chair Hansen
00:41:18 Rep. Wilmer

00:42:34 **Vote:** Motion carried 11-7 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Greef, Rep. Hansen, Rep. McNiven, Rep. Schwaderer and Rep. Washburn voting no. Rep. Blasdel and Rep. Schwaderer voted by proxy.

00:42:43 **Motion/Vote:** Rep. Brockie moved that **HB 286 DO PASS AS AMENDED.**
Motion carried unanimously by roll call vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

00:43:43 **Motion:** Rep. Blyton moved that **HB 301 DO PASS.**

Discussion:

00:44:01 Rep. Halvorson
00:45:13 Chair Hansen

00:45:57 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

00:46:44 Chair Hansen
00:46:56 Recessed.
00:55:56 Meeting resumed.

HEARING ON HB 447

Opening Statement by Sponsor:

00:56:22 Rep. Rae Peppers (D), HD 41, opened the hearing on HB 447, Provide higher education scholarships for Montana Purple Heart recipients.

EXHIBIT(edh34a02)

Proponents' Testimony:

01:01:36 John Driscoll, Self
01:09:16 Dan Antonietti, Veterans of Foreign Wars (VFW)
01:10:11 Jim Higgins, Montana National Guard Association

Opponents' Testimony: None

Informational Testimony:

01:14:01 Joe Foster, Montana Veterans Affairs Division
01:14:18 Ron Muffick, Director of Student Services, Office of the Commissioner of Higher Education

Questions from Committee Members and Responses:

01:14:44 Rep. Washburn
01:15:16 John Driscoll
01:15:38 Rep. Washburn
01:15:49 John Driscoll
01:15:56 Rep. Washburn
01:16:01 Rep. Greef
01:16:45 Rep. Peppers
01:17:17 Rep. Greef
01:17:23 Rep. McNiven
01:18:02 Jim Higgins, Montana National Guard Association
01:18:29 Rep. McNiven
01:18:41 Jim Higgins, Montana National Guard Association
01:18:53 Chair Hansen

Closing by Sponsor:

01:19:17 Rep. Peppers

EXECUTIVE ACTION ON HB 313

01:20:18 Chair Hansen
01:21:18 **Motion:** Rep. Blyton moved that **HB 313 DO PASS.**

Discussion:

01:21:29 Chair Hansen

01:21:37 **Motion:** Rep. Schreiner moved that **HB 313 BE AMENDED.**

EXHIBIT(edh34a03)

Discussion:

01:21:54 Chair Hansen

01:22:18 Rep. Schreiner

01:23:27 Chair Hansen

EXHIBIT(edh34a04)

01:24:18 Rep. Schreiner

01:26:51 Chair Hansen

01:26:56 Rep. Washburn

01:27:13 Rep. Schreiner

01:27:32 Chair Hansen

01:27:50 Rep. Schreiner

01:32:30 Rep. Halvorson

01:32:40 Rep. Schreiner

01:32:50 Laura Sankey, LSD

01:32:58 Chair Hansen

01:33:46 Rep. Halvorson

01:33:58 Rep. Schreiner

01:35:43 Chair Hansen

01:36:40 Rep. Schreiner

01:37:17 **Motion:** Rep. Hansen moved that **SECTIONS 11, 14 AND 16 BE SEGREGATED FROM AMENDMENT HB031301.als**

Discussion:

01:38:49 Rep. Wilmer

01:38:54 Rep. Hansen

01:39:13 Rep. Coffin

01:39:28 Chair Hansen

01:39:49 Rep. Coffin

01:40:21 Chair Hansen

01:40:23 Rep. Blyton

01:40:37 Chair Hansen

01:40:59 Rep. Wilmer

01:41:15 Chair Hansen

01:41:22 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

01:42:01 Chair Hansen

01:42:07 Rep. Wilmer

01:42:19 **Motion/Vote:** Rep. Schreiner moved that **HB 313 BE AMENDED AS SEGREGATED.** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

01:42:45 **Motion:** Rep. Hansen moved that **HB 313 BE AMENDED.**

[EXHIBIT\(edh34a05\)](#)

Discussion:

01:47:13 Rep. McNiven
01:47:26 Chair Hansen
01:47:27 Rep. McNiven
01:47:38 Chair Hansen
01:47:59 Rep. Wilmer
01:48:24 Chair Hansen
01:48:49 Rep. Halvorson
01:49:30 Rep. Schreiner

01:49:45 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

01:49:57 **Motion/Vote:** Rep. Hansen moved that **HB 313 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

[EXHIBIT\(edh34a06\)](#)

01:53:36 **Motion:** Rep. Hansen moved that **HB 313 BE AMENDED.**

[EXHIBIT\(edh34a07\)](#)

Discussion:

01:55:03 Rep. Wilmer
01:55:30 Chair Hansen

01:55:36 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

01:56:00 **Motion/Vote:** Rep. Hansen moved that **HB 313 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

[EXHIBIT\(edh34a08\)](#)

01:57:28 Rep. McClafferty
01:57:45 Chair Hansen

01:57:59 **Motion/Vote:** Rep. McClafferty moved that **HB 313 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Schwaderer voted by proxy.

[EXHIBIT\(edh34a09\)](#)

01:59:19 **Motion:** Rep. Hansen moved that **HB 313 DO PASS AS AMENDED.**

Discussion:

01:59:41 Rep. Schreiner
01:59:48 Chair Hansen
01:59:58 Rep. Hertz
02:00:06 Rep. Schreiner
02:00:18 Chair Hansen

02:00:25 Rep. Schreiner
02:00:32 Chair Hansen
02:00:37 Rep. Schreiner
02:01:05 Chair Hansen
02:02:39 Rep. Coffin
02:02:53 Chair Hansen
02:02:59 Rep. Schreiner
02:03:07 Laura Sankey, LSD
02:03:17 Chair Hansen
02:03:39 Rep. Coffin
02:03:58 Chair Hansen
02:04:25 Rep. Coffin
02:04:47 Chair Hansen
02:04:50 Rep. McNiven
02:05:08 Chair Hansen
02:05:40 Rep. McNiven
02:06:23 Chair Hansen
02:06:28 Rep. McNiven
02:06:59 Chair Hansen
02:07:01 Rep. Washburn
02:07:18 Rep. Coffin
02:07:35 Rep. Schreiner
02:07:48 Chair Hansen

02:08:01 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel and Rep. Schwaderer voted by proxy. By request of the chair HB 313 will not be reported out of committee until the committee has time to review all the amendments.

02:08:54 Chair Hansen

ADJOURNMENT

Adjournment: 02:09:37

Marissa Stockton, Secretary

ms

Additional Documents:

EXHIBIT([edh34aad.pdf](#))

Amendments to House Bill No. 286
1st Reading Copy

Requested by Representative Clarena Brockie

For the House Education Committee

Prepared by Laura Sankey
January 30, 2013 (12:53pm)

1. Page 1, line 22.

Following: "who"

Insert: "have one-fourth Indian blood or more or"

- END -

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - ***Petitions if any.**
 - ***Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

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Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton**

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE EDUCATION COMMITTEE

Date: Friday, February 15, 2013
Place: Capitol

Time: 3:00 PM
Room: 137

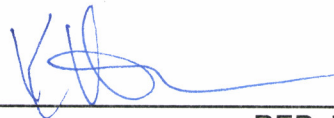
BILLS and RESOLUTIONS HEARD:

HB 447 - Provide higher education scholarships for Montana Purple Heart recipients

EXECUTIVE ACTION TAKEN:

HB 301
HB 313
HB 286

Comments:



REP. Kris Hansen, Chair

HOUSE OF REPRESENTATIVES
Roll Call
EDUCATION COMMITTEE

DATE: 2/15/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
REP. KRISTIN HANSEN, CHAIR	X	
REP. JOANNE BLYTON, VICE CHAIR	X	
REP. EDIE MCCLAFFERTY, VICE CHAIR	X	
REP. BRYCE BENNETT	X	
SPEAKER BLASDEL		X
REP. CLARENA BROCKIE	X	
REP. DOUGLAS COFFIN	X	
REP. EDWARD GREEF	X	
REP. DAVID HALVORSON	X	
REP. GREG HERTZ	X	
REP. SARAH LASZLOFFY	X	
REP. JONATHAN MCNIVEN		X
REP. JEAN PRICE	X	
REP. DAN SALOMON	X	
REP. CASEY SCHREINER	X	
REP. NICHOLAS SCHWADERER		X
REP. TED WASHBURN	X	
REP. FRANKE WILMER	X	



✓ proofing

HOUSE STANDING COMMITTEE REPORT

February 15, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 286** (first reading copy -- white) do pass as amended.

Signed: _____

Representative Kris Hansen, Chair

And, that such amendments read:

1. Page 1, line 22.

Following: "who"

Insert: "have one-fourth Indian blood or more or"

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required ____

HB0286002SC.hjk

DC 2-16-13

7:45



Hooper

HOUSE STANDING COMMITTEE REPORT

February 15, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 301** (first reading copy -- white) do pass.

Signed: _____

Representative Kris Hansen, Chair

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

HB0301001SC.hjk

DC 2-16-13
7:45

HOUSE OF REPRESENTATIVES

Roll Call Vote

EDUCATION COMMITTEE

DATE: 2/15/2013 BILL NO. HB286 MOTION NO. _____
 MOTION: Be Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JOANNE BLYTON, VICE CHAIR		X	
REP. EDIE MCCLAFFERTY, VICE CHAIR	X		
REP. BRYCE BENNET	X		
SPEAKER BLASDEL		X	X
REP. CLARENA BROCKIE	X		
REP. DOUGLAS COFFIN	X		
REP. EDWARD GREEF		X	
REP. DAVID HALVORSON	X		
REP. GREG HERTZ	X		
REP. SARAH LASZLOFFY	X		
REP. JONATHAN MCNIVEN		X	
REP. JEAN PRICE	X		
REP. DAN SALOMON	X		
REP. CASEY SCHREINER	X		
REP. NICHOLAS SCHWADERER		X	X
REP. TED WASHBURN		X	
REP. FRANKE WILMER	X		
REP. KRISTIN HANSEN, CHAIR		X	

HOUSE OF REPRESENTATIVES
Roll Call Vote
EDUCATION COMMITTEE

DATE: 2/15/2013 BILL NO HB 286 MOTION NO. _____
 MOTION: DO Pass AS amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JOANNE BLYTON, VICE CHAIR	X		
REP. EDIE MCCLAFFERTY, VICE CHAIR	X		
REP. BRYCE BENNET	X		
SPEAKER BLASDEL	X		X
REP. CLARENA BROCKIE	X		
REP. DOUGLAS COFFIN	X		
REP. EDWARD GREEF	X		
REP. DAVID HALVORSON	X		
REP. GREG HERTZ	X		
REP. SARAH LASZLOFFY	X		
REP. JONATHAN MCNIVEN	X		
REP. JEAN PRICE	X		
REP. DAN SALOMON	X		
REP. CASEY SCHREINER	X		
REP. NICHOLAS SCHWADERER	X		X
REP. TED WASHBURN	X		
REP. FRANKE WILMER	X		
REP. KRISTIN HANSEN, CHAIR	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
EDUCATION COMMITTEE

DATE: _____ BILL NO. HB 301 MOTION NO. _____
 MOTION: DO PASS

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JOANNE BLYTON, VICE CHAIR	X		
REP. EDIE MCCLAFFERTY, VICE CHAIR	X		
REP. BRYCE BENNET	X		
SPEAKER BLASDEL	X		X
REP. CLARENA BROCKIE	X		
REP. DOUGLAS COFFIN	X		
REP. EDWARD GREEF	X		
REP. DAVID HALVORSON	X		
REP. GREG HERTZ	X		
REP. SARAH LASZLOFFY	X		
REP. JONATHAN MCNIVEN	X		
REP. JEAN PRICE	X		
REP. DAN SALOMON	X		
REP. CASEY SCHREINER	X		
REP. NICHOLAS SCHWADERER	X		X
REP. TED WASHBURN	X		
REP. FRANKE WILMER	X		
REP. KRISTIN HANSEN, CHAIR	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
EDUCATION COMMITTEE

DATE: 2/15/2013 BILL NO HB 313 MOTION NO. _____
 MOTION: DO Pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JOANNE BLYTON, VICE CHAIR	X		
REP. EDIE MCCLAFFERTY, VICE CHAIR	X		
REP. BRYCE BENNET	X		
SPEAKER BLASDEL	X		X
REP. CLARENA BROCKIE	X		
REP. DOUGLAS COFFIN	X		
REP. EDWARD GREEF	X		
REP. DAVID HALVORSON	X		
REP. GREG HERTZ	X		
REP. SARAH LASZLOFFY	X		
REP. JONATHAN MCNIVEN	X		
REP. JEAN PRICE	X		
REP. DAN SALOMON	X		
REP. CASEY SCHREINER	X		
REP. NICHOLAS SCHWADERER	X		X
REP. TED WASHBURN	X		
REP. FRANKE WILMER	X		
REP. KRISTIN HANSEN, CHAIR	X		

AUTHORIZED COMMITTEE PROXY

NICK

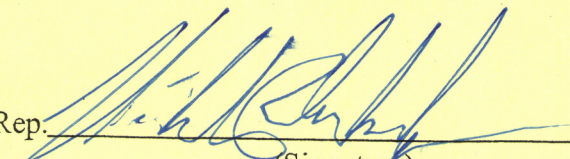
I request to be excused from the Education

Committee because of other commitments. I desire to leave my proxy vote with:

V Chair Snyder

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
Amend HB 02860, als		✓	HB 0310301, als ^{P43}	✓	
HB 286	✓		Sub		
HB 301	✓		HB 313	✓	
Amend HB 031301, als	✓				
as requested					
Segregation 11, 14, 16	✓				
Amendment HB 031302, als					
#1	✓				
#2	✓				
#3	✓				
#4	✓				

Rep. 
(Signature)

Date 2/15/13

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Education

Committee because of other commitments. I desire to leave my proxy vote with:

V Chair Blynn

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
Amend HB 0286.01. a/b		✓	HB 031301. a/b ^{HB}	✓	
HB 286	✓		_{sum 11}		
HB 301	✓		HB 313	✓	
Amend HB 031301. a/b	✓				
_{as requested}					
Segregation 11, 14, 16	✓				
Amendment HB 031302. a/b					
#1	✓				
#2	✓				
#3	✓				
#4	✓				

Rep. [Signature]
(Signature)

Date 2/15/13

MONTANA House of Representatives
Visitors Register
HOUSE EDUCATION COMMITTEE

Friday, February 15, 2013

HB 447 - Provide higher education scholarships for Montana Purple Heart recipients

Sponsor: Rep. Rae Peppers

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Josh Garner

From: Steve Crawford <SCrawford@BOZEMAN.NET>
Sent: Tuesday, February 05, 2013 8:38 PM
To: Josh Garner
Subject: RE: House Bill 313--Truancy

**ADDITIONAL
DOCUMENTS**

Josh,

Scott is unable to attend.

I asked him for his input on the bill and it is:

SRO from Bozeman PD

→ "House Bill 313 addressing Truancy would greatly improve our ability to hold parents accountable for failing to educate their children. In many instances parents allow their children to not attend school and they know that the truancy statute is difficult to enforce and has minimal penalties. This Truancy Bill would assist in dealing with educational neglect and would make those that chronically skip school think twice."

Sorry that we can't send him up.

Steve

Captain Steve Crawford
Bozeman Police Department
Detective Division
615 South 16th Avenue
Bozeman, Montana 59715
Office (406) 582-2031

From: Josh Garner [mailto:josh_garner@gfps.k12.mt.us]
Sent: Tuesday, January 29, 2013 2:21 PM
To: Steve Crawford
Subject: FW: House Bill 313--Truancy

Steve,

The bill Rep. Schreiner is proposing in Helena on Feb 6th is attached. The e-mail below is what I sent to the guys in Kalispell and Missoula. If Scott can make it, that would be great. You have my cell #, so give it to Scott if he makes the trip so we can hook up with him. Thanks!

Detective Josh Garner
Great Falls Police Dept.
School Resource Officer—NMS
(406) 268-6544 Office
(406) 781-8917 Mobile
josh_garner@gfps.k12.mt.us<mailto:josh_garner@gfps.k12.mt.us>

From: Josh Garner
Sent: Tuesday, January 29, 2013 10:18 AM



MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Duane Ankney, on February 21, 2013 at 3:00 PM, in Room 102 Capitol

ROLL CALL

Members Present:

Rep. Duane Ankney, Chair (R)
Rep. Steve Gibson, Vice Chair (R)
Rep. Galen Hollenbaugh, Vice Chair (D)
Rep. Nancy Ballance (R)
Rep. Randy Brodehl (R)
Rep. Rob Cook (R)
Rep. Mike Cuffe (R)
Rep. Kimberly Dudik (D)
Rep. Champ Edmunds (R)
Rep. Ron Ehli (R)
Rep. Carl Glimm (R)
Rep. Dave Hagstrom (R)
Rep. Roy Hollandsworth (R)
Rep. Donald W. Jones (R)
Rep. Kelly McCarthy (D)
Rep. Bill McChesney (D)
Rep. Robert (Bob) Mehlhoff (D)
Rep. Ryan Osmundson (R)
Rep. Lea Whitford (D)
Rep. Tom Woods (D)

Members Excused: Rep. Pat Noonan (D)

Members Absent: None

Staff Present: Lisa Adams, Committee Secretary
Julie Johnson, Legislative Branch
Joe Triem, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 5, 2/18/2013; HB 9, 2/18/2013; HB 286, 2/19/2013;
HB 171, 2/19/2013

00:19:34 Vice Chairman Gibson

HEARING ON HB 5

Opening Statement by Sponsor:

00:20:45 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 5, Long-range building appropriations.

00:21:50 Rep. Noonan arrived.

00:21:52 Rep. Osmundson left.

00:22:02 Rep. Brodehl left.

00:28:37 Rep. Cook left.

Proponents' Testimony:

00:30:54 Russ Katherman, Contract Officer, Design and Construction Bureau, Architect and Engineering Division, Department of Administration (DOA)

00:31:34 Rep. Osmundson arrived.

Opponents' Testimony: None

Informational Testimony:

00:32:05 Cathy Duncan, Senior Fiscal Analyst, Legislative Fiscal Division (LFD)

[EXHIBIT\(aph39a01\)](#)

Questions from Committee Members and Responses:

00:33:48 Vice Chairman Gibson

00:33:56 Mr. Katherman, DOA

00:34:05 Vice Chairman Gibson

00:34:12 Mr. Katherman, DOA

Closing by Sponsor:

00:34:35 Rep. Ankney

HEARING ON HB 9

Opening Statement by Sponsor:

00:35:23 Rep. Roy Hollandsworth (R), HD 28, opened the hearing on HB 9, Cultural and aesthetic grants.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

00:36:56 Cathy Duncan, Senior Fiscal Analyst, Legislative Fiscal Division (LFD)

[EXHIBIT\(aph39a02\)](#)

Questions from Committee Members and Responses:

00:39:10 Rep. Ballance

00:39:35 Ms. Duncan, LFD

Closing by Sponsor:

00:40:48 Rep. Hollandsworth

HEARING ON HB 171

Opening Statement by Sponsor:

00:41:30 Rep. Cary Smith (R), HD 55, opened the hearing on HB 171, Revise laws related to medicaid and children's health program fraud.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:43 Rep. Ballance

00:44:20 Rep. Smith

00:44:44 Rep. Ballance

Closing by Sponsor:

00:45:01 Rep. Smith

HEARING ON HB 286

Opening Statement by Sponsor:

00:46:14 Rep. Clarena Brockie (D), HD 32, opened the hearing on HB 286, Allowing board of regents to waive tuition and fees for certain students.

EXHIBIT(aph39a03)

Proponents' Testimony:

00:48:45 Rep. Ballance

00:49:40 Dennis Parman, Deputy Superintendent, Office of Public Instruction (OPI)

00:50:05 Shane Morigeau, Confederated Salish and Kootenai Tribes (CSKT)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:51:04 Rep. Gibson

Closing by Sponsor:

00:51:38 Rep. Brockie

00:51:57 Chair Ankney

00:52:11 Rep. Hollandsworth

00:52:43 Chair Ankney

ADJOURNMENT

Adjournment: 00:53:14

Lisa Adams, Secretary

la

Additional Documents:

EXHIBIT([aph39aad.pdf](#))

SPONSOR'S EXHIBIT REGARDING FISCAL NOTE

Bill Number: HB286

Date: Feb 21, 2013

Short Title: Allowing board of regents to waive tuition and fees for certain students

Sponsor: Clarena Brockie

Subject: Disagreement with Fiscal Note – no funding needed

Reference: 20-25-421 MCA

There is no fiscal impact because while this bill is asking to expand the eligibility for tuition and fee waivers to include residents of Montana who are enrolled members of a state-recognized or federally recognized Indian tribe, it is completely at the discretion of the Montana University System to determine qualifications for and funding of tuition waivers.

As a legislature, we can recommend and define the students we want the Montana University System to consider but we cannot establish the criteria by which waivers will be given.

Both the amount of money waived and the groups who are waived are at the discretion of the Montana University System.

Sponsor's estimate of the fiscal impact:

	FY 2014	FY 2015	FY 2016	FY 2017
Expenditures:	\$0	\$0	\$0	\$0
Revenue:	\$0	\$0	\$0	\$0

Montana State Legislature

2013 Session

Additional Documents include:

- * Business Report**
- * Roll Call- attendance**
- * Standing Committee Reports,**
- * Table Bills, Fiscal reports etc.**
- * Roll Call Votes**
- * Witness Statements**
- * Informational items**
- * Visitor Registrations**
- * Any other Documents;**
 - ~ Petitions if any?**
 - ~ Any and all material handed in after the meeting end.**

**The original is on file at the
Montana Historical Society and
may be viewed there.**

**Montana Historical Society Archives
225 N. Roberts
Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton**

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE APPROPRIATIONS COMMITTEE

Date: Thursday, February 21, 2013
Place: Capitol

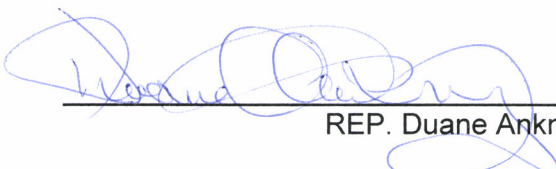
Time: 3:00 PM
Room: 102

BILLS and RESOLUTIONS HEARD:

HB 5 - Long-range building appropriations
HB 9 - Cultural and aesthetic grants
HB 171 - Revise laws related to medicaid and children's health program fraud
HB 286 - Allowing board of regents to waive tuition and fees for certain students

EXECUTIVE ACTION TAKEN: None

Comments:



REP. Duane Ankney, Chair

HOUSE OF REPRESENTATIVES
Roll Call
APPROPRIATIONS COMMITTEE

DATE:

2/21/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. STEVE GIBSON, VICE CHAIR	✓	
REP. GALEN HOLLENBAUGH, VICE CHAIR	✓	
REP. ROB COOK	✓	
REP. TOM WOODS	✓	
REP. RON EHLE	✓	
REP. LEA WHITFORD	✓	
REP. PAT NOONAN		✓
REP. CHAMP EDMUNDS	✓	
REP. KELLY MCCARTHY	✓	
REP. DAVE HAGSTROM	✓	
REP. ROBERT MEHLHOFF	✓	
REP. DONALD JONES	✓	
REP. RYAN OSMONDSON	✓	
REP. BILL MCCHESENEY	✓	
REP. CARL GLIMM	✓	
REP. RANDY BRODEHL	✓	
REP. KIMBERLY DUDIK	✓	
REP. NANCY BALLANCE	✓	
REP. ROY HOLLANDSWORTH	✓	
REP. MIKE CUFFE	✓	
REP. DUANE ANKNEY, CHAIR	✓	

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, February 21, 2013

HB 5 - Long-range building appropriations

Sponsor: Rep. Duane Ankney

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, February 21, 2013

HB 9 - Cultural and aesthetic grants

Sponsor: Rep. Roy Hollandsworth

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE

Thursday, February 21, 2013

HB 171 - Revise laws related to medicaid and children's health program fraud

Sponsor: Rep. Cary Smith

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE APPROPRIATIONS COMMITTEE**

Thursday, February 21, 2013

HB 286 - Allowing board of regents to waive tuition and fees for certain students

Sponsor: Rep. Clarena Brockie

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Duane Ankney, on February 22, 2013 at 3:00 PM, in Room 102 Capitol

ROLL CALL

Members Present:

Rep. Duane Ankney, Chair (R)
Rep. Steve Gibson, Vice Chair (R)
Rep. Galen Hollenbaugh, Vice Chair (D)
Rep. Nancy Ballance (R)
Rep. Randy Brodehl (R)
Rep. Rob Cook (R)
Rep. Mike Cuffe (R)
Rep. Kimberly Dudik (D)
Rep. Champ Edmunds (R)
Rep. Ron Ehli (R)
Rep. Carl Glimm (R)
Rep. Dave Hagstrom (R)
Rep. Roy Hollandsworth (R)
Rep. Donald W. Jones (R)
Rep. Kelly McCarthy (D)
Rep. Bill McChesney (D)
Rep. Robert (Bob) Mehlhoff (D)
Rep. Pat Noonan (D)
Rep. Ryan Osmundson (R)
Rep. Lea Whitford (D)

Members Excused: Rep. Tom Woods (D)

Members Absent: None

Staff Present: Lisa Adams, Committee Secretary
Julie Johnson, Legislative Branch
Joe Triem, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: HB 84; HB 171; HB 241; HB 286; HB 87; HB 256; HB 273;
HB 330; HB 336

00:26:09 Chair Ankney

EXECUTIVE ACTION ON HB 84

00:27:51 **Motion/Vote:** Rep. Noonan moved that **HB 84 DO PASS**. Motion carried 18-3 by roll call vote with Rep. Brodehl, Rep. Glimm and Rep. Osmundson voting no. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 87

00:29:01 **Motion:** Rep. Gibson moved that **HB 87 DO PASS**.

00:29:29 **Motion:** Rep. Gibson moved that **HB 87 BE AMENDED**.
[EXHIBIT\(aph40a01\)](#)

Discussion:

00:30:06 Rep. Cook

00:30:21 **Vote:** Motion carried unanimously by voice vote. Rep. Woods voted by proxy.

00:30:29 **Motion:** Rep. Gibson moved that **HB 87 DO PASS AS AMENDED**.

Discussion:

00:30:45 Rep. Jones

00:31:54 **Vote:** Motion carried 12-9 by roll call vote with Rep. Ballance, Rep. Brodehl, Rep. Cuffe, Rep. Edmunds, Rep. Ehli, Rep. Glimm, Rep. Hagstrom, Rep. Jones and Rep. Osmundson voting no. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 171

00:33:09 **Motion:** Rep. Gibson moved that **HB 171 DO PASS**.

00:33:37 **Vote:** Motion failed 10-11 by roll call vote with Rep. Ballance, Rep. Brodehl, Rep. Cuffe, Rep. Edmunds, Rep. Ehli, Rep. Gibson, Rep. Glimm, Rep. Hagstrom, Rep. Jones and Rep. Osmundson voting aye. Rep. Woods voted by proxy.

00:34:01 **Motion:** Rep. Ankney moved that **HB 171 BE INDEFINITELY POSTPONED WITHOUT OBJECTION**.

EXECUTIVE ACTION ON HB 241

00:35:09 **Substitute Motion/Vote:** Rep. Gibson made a substitute motion that **HB 241 BE TABLED**. Substitute Motion carried 19-2 by roll call vote with Rep. Jones and Rep. Osmundson voting no. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 256

00:36:40 **Motion/Vote:** Rep. Gibson moved that **HB 256 DO PASS**. Motion carried unanimously by voice vote. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 273

00:37:34 **Motion/Vote:** Rep. Gibson moved that **HB 273 DO PASS**. Motion carried unanimously by voice vote. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 286

00:38:21 **Motion:** Rep. Gibson moved that **HB 286 DO PASS**.

Discussion:

00:38:41 Rep. Ballance

00:38:56 **Vote:** Motion carried unanimously by voice vote. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 330

00:39:45 **Motion/Vote:** Rep. Gibson moved that **HB 330 DO PASS**. Motion carried unanimously by roll call vote. Rep. Woods voted by proxy.

EXECUTIVE ACTION ON HB 336

00:41:13 **Motion:** Rep. Gibson moved that **HB 336 DO PASS**.

00:41:24 **Motion/Vote:** Rep. Gibson moved that **HB 336 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Woods voted by proxy.

EXHIBIT(aph40a02)

00:42:41 **Motion/Vote:** Rep. Gibson moved that **HB 336 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Woods voted by proxy.

00:43:20 Chair Ankney

00:43:38 Rep. Cook

00:43:41 Rep. Mehlhoff

00:44:00 Chair Ankney

00:44:21 Rep. Glimm

00:44:30 Chair Ankney

ADJOURNMENT

Adjournment: 00:45:17

Lisa Adams, Secretary

la

Additional Documents:

EXHIBIT([aph40aad.pdf](#))

Montana State Legislature

2013 Session

Additional Documents include:

- * Business Report**
- * Roll Call- attendance**
- * Standing Committee Reports,**
- * Table Bills, Fiscal reports etc.**
- * Roll Call Votes**
- * Witness Statements**
- * Informational items**
- * Visitor Registrations**
- * Any other Documents;**
 - ~ Petitions if any?**
 - ~ Any and all material handed in after the meeting end.**

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2013 Legislative Scanner Susie Hamilton**

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE APPROPRIATIONS COMMITTEE

Date: Friday, February 22, 2013
Place: Capitol

Time: 3:00 PM
Room: 102

BILLS and RESOLUTIONS HEARD: None

EXECUTIVE ACTION TAKEN:

HB 84 Do Pass
HB 87 Do Pass As Amended
HB 171 Indefinitely Postponed
HB 241 Be Tabled
HB 256 Do Pass
HB 273 Do Pass
HB 286 Do Pass
HB 330 Do Pass
HB 336 Do Pass As Amended

Comments:



REP. Duane Ankney, Chair

HOUSE OF REPRESENTATIVES
Roll Call
APPROPRIATIONS COMMITTEE

DATE: 2/22/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. STEVE GIBSON, VICE CHAIR	✓	
REP. GALEN HOLLENBAUGH, VICE CHAIR	✓	
REP. ROB COOK	✓	
REP. TOM WOODS		✓
REP. RON EHLI	✓	
REP. LEA WHITFORD	✓	
REP. PAT NOONAN	✓	
REP. CHAMP EDMUNDS	✓	
REP. KELLY MCCARTHY	✓	
REP. DAVE HAGSTROM	✓	
REP. ROBERT MEHLHOFF	✓	
REP. DONALD JONES	✓	
REP. RYAN OSMONDSON	✓	
REP. BILL MCCHESENEY	✓	
REP. CARL GLIMM	✓	
REP. RANDY BRODEHL	✓	
REP. KIMBERLY DUDIK	✓	
REP. NANCY BALLANCE	✓	
REP. ROY HOLLANDSWORTH	✓	
REP. MIKE CUFFE	✓	
REP. DUANE ANKNEY, CHAIR	✓	



HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 84** (second reading copy -- yellow) **do pass**.

Signed: _____

Representative Duane Ankney, Chair

- END -

Committee Vote:

Yes 18, No 3

Fiscal Note Required ☐

HB0084002SC.hjk

222 bc
5:30



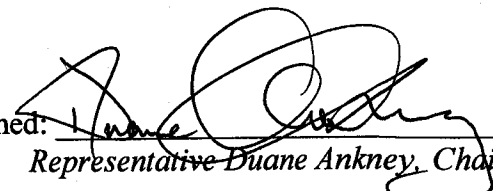
HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 87** (second reading copy -- yellow) **do pass as amended.**

Signed: 
Representative Duane Ankney, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Following: "AUTHORITY;"

Insert: "APPROPRIATING AND AUTHORIZING THE USE OF FUNDS FOR
IMPLEMENTATION OF THE REVIEW;"

2. Page 6, line 7.

Following: line 6

Insert: "NEW SECTION. **Section 6. Appropriation and authorization.** The commissioner is authorized to expend \$204,000 in each of the fiscal years beginning July 1, 2013, and July 1, 2014, for a biennial total of \$408,000. These funds are appropriated from the state special revenue fund credited to the state auditor's office and must be used exclusively for purposes of implementing [this act], including but not limited to the payment of contracting services to perform the rate review."

Renumber: subsequent sections

- END -

Committee Vote:

Yes 12, No 9

Fiscal Note Required ☐

HB0087002SC.hjk

DC 5:30
2-22

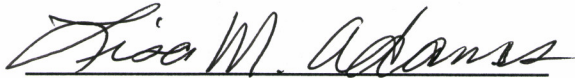
BILL TABLED NOTICE

HOUSE APPROPRIATIONS COMMITTEE

The HOUSE APPROPRIATIONS COMMITTEE TABLED

HB 241 - Require DPHHS to provide Medicaid recipients with an explanation of benefits -

Rep. Mike Miller, by motion, on **Friday, February 22, 2013**.



(For the Committee)



(For the Chief Clerk of the House)



(Time)



(Date)

February 22, 2013 (4:55pm)

Lisa Adams, Secretary

Phone: 1754



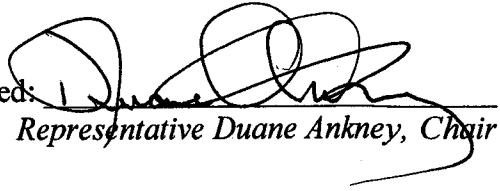
HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 256** (second reading copy - yellow) **do pass**.

Signed: 

Representative Duane Ankney, Chair

- END -

Committee Vote:

Yes 21, No 0

Fiscal Note Required ☐

HB0256002SC.hjk

DC 5:50
2-22



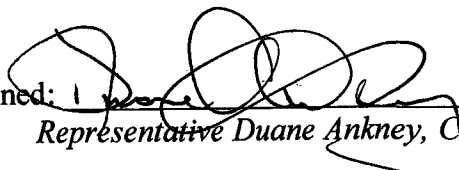
HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 273** (second reading copy - yellow) **do pass**.

Signed: 

Representative Duane Ankney, Chair

- END -

Committee Vote:

Yes 21, No 0

Fiscal Note Required ☐

HB0273002SC.hjk

7C 5:30
2-22



HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 286** (second reading copy - yellow) **do pass**.

Signed: 

Representative Duane Ankney, Chair

- END -

Committee Vote:

Yes 21, No 0

Fiscal Note Required ☐

HB0286003SC.hjk

DC 5:30
2-22



HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 330** (second reading copy - yellow) **do pass**.

Signed:

Representative Duane Ankney, Chair

- END -

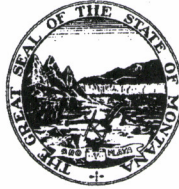
Committee Vote:

Yes 21, No 0

Fiscal Note Required ☐

HB0330002SC.hjk

DC 5:30
2-22



Sec
Lisa Adams
Room 101

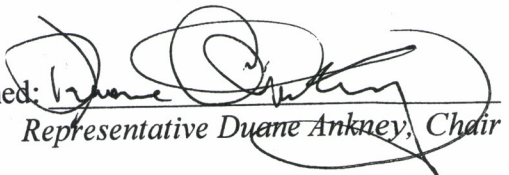
HOUSE STANDING COMMITTEE REPORT

February 22, 2013

Page 1 of 7

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 336** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative Duane Ankney, Chair

And, that such amendments read:

1. Title, page 1, line 12.

Following: "SECTIONS"

Insert: "19-2-303,"

2. Page 3, following line 8.

Insert: "Section 2. Section 19-2-303, MCA, is amended to read:

"19-2-303. **Definitions.** Unless the context requires otherwise, for each of the retirement systems subject to this chapter, the following definitions apply:

(1) "Accumulated contributions" means the sum of all the regular and any additional contributions made by a member in a defined benefit plan, together with the regular interest on the contributions.

(2) "Active member" means a member who is a paid employee of an employer, is making the required contributions, and is properly reported to the board for the most current reporting period.

(3) "Actuarial cost" means the amount determined by the board in a uniform and nondiscriminatory manner to represent the present value of the benefits to be derived from the additional service to be credited based on the most recent actuarial valuation for the system and the age, years until retirement, and current salary of the member.

(4) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality table and interest rate assumptions adopted by the board.

(5) "Actuarial liabilities" means the excess of the present

Committee Vote:

Yes 21, No 0

Fiscal Note Required ☐

HB0336001SC.hjk

value of all benefits payable under a defined benefit retirement plan over the present value of future normal costs in that retirement plan.

(6) "Actuary" means the actuary retained by the board in accordance with 19-2-405.

(7) "Additional contributions" means contributions made by a member of a defined benefit plan to purchase various types of optional service credit as allowed by the applicable retirement plan.

(8) "Annuity" means:

(a) in the case of a defined benefit plan, equal and fixed payments for life that are the actuarial equivalent of a lump-sum payment under a retirement plan and as such are not benefits paid by a retirement plan and are not subject to periodic or one-time increases; or

(b) in the case of the defined contribution plan, a payment of a fixed sum of money at regular intervals.

(9) "Banked holiday time" means the hours reported for work performed on a holiday that the employee may use for equivalent time off or that may be paid to the employee as specified by the employer's policy.

(10) "Benefit" means:

(a) the service retirement benefit, early retirement benefit, or disability retirement or survivorship benefit payment provided by a defined benefit retirement plan; or

(b) a payment or distribution under the defined contribution retirement plan, including a disability payment under 19-3-2141, for the exclusive benefit of a plan member or the member's beneficiary or an annuity purchased under 19-3-2124.

(11) "Board" means the public employees' retirement board provided for in 2-15-1009.

(12) "Contingent annuitant" means:

(a) under option 2 or 3 provided for in 19-3-1501, one natural person designated to receive a continuing monthly benefit after the death of a retired member; or

(b) under option 4 provided for in 19-3-1501, a natural person, charitable organization, estate, or trust that may receive a continuing monthly benefit after the death of a retired member.

(13) "Covered employment" means employment in a covered position.

(14) "Covered position" means a position in which the employee must be a member of the retirement system except as otherwise provided by law.

(15) "Defined benefit retirement plan" or "defined benefit plan" means a plan within the retirement systems provided for pursuant to 19-2-302 that is not the defined contribution retirement plan.

(16) "Defined contribution retirement plan" or "defined contribution plan" means the plan within the public employees' retirement system established in 19-3-103 that is provided for in

chapter 3, part 21, of this title and that is not a defined benefit plan.

(17) "Department" means the department of administration.

(18) "Designated beneficiary" means the person, charitable organization, estate, or trust for the benefit of a natural person designated by a member or payment recipient to receive any survivorship benefits, lump-sum payments, or benefit from a retirement account upon the death of the member or payment recipient, including annuities derived from the benefits or payments.

(19) "Direct rollover" means a payment by the plan to the eligible retirement plan specified by the distributee.

(20) "Disability" or "disabled" means a total inability of the member to perform the member's duties by reason of physical or mental incapacity. The disability must be incurred while the member is an active member and must be one of permanent duration or of extended and uncertain duration, as determined by the board on the basis of competent medical opinion.

(21) "Distributee" means:

- (a) a member;
- (b) a member's surviving spouse;
- (c) a member's spouse or former spouse who is the alternate payee under a family law order as defined in 19-2-907; or
- (d) effective January 1, 2007, a member's nonspouse beneficiary who is a designated beneficiary as defined by section 401(a)(9)(E) of the Internal Revenue Code, 26 U.S.C. 401(a)(9)(E).

(22) "Early retirement benefit" means the retirement benefit payable to a member following early retirement and is the actuarial equivalent of the accrued portion of the member's service retirement benefit.

(23) "Eligible retirement plan" means any of the following that accepts the distributee's eligible rollover distribution:

- (a) an individual retirement account described in section 408(a) of the Internal Revenue Code, 26 U.S.C. 408(a);
- (b) an individual retirement annuity described in section 408(b) of the Internal Revenue Code, 26 U.S.C. 408(b);
- (c) an annuity plan described in section 403(a) of the Internal Revenue Code, 26 U.S.C. 403(a);
- (d) a qualified trust described in section 401(a) of the Internal Revenue Code, 26 U.S.C. 401(a);
- (e) effective January 1, 2002, an annuity contract described in section 403(b) of the Internal Revenue Code, 26 U.S.C. 403(b);

(f) effective January 1, 2002, a plan eligible under section 457(b) of the Internal Revenue Code, 26 U.S.C. 457(b), that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or a political subdivision of a state that agrees to separately account for amounts transferred into that plan from a plan under this title; or

(g) effective January 1, 2008, a Roth IRA described in section 408A of the Internal Revenue Code, 26 U.S.C. 408A.

(24) "Eligible rollover distribution":

(a) means any distribution of all or any portion of the balance from a retirement plan to the credit of the distributee, as provided in 19-2-1011;

(b) effective January 1, 2002, includes a distribution to a surviving spouse or to a spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the Internal Revenue Code, 26 U.S.C. 414(p).

(25) "Employee" means a person who is employed by an employer in any capacity and whose salary is being paid by the employer or a person for whom an interlocal governmental entity is responsible for paying retirement contributions pursuant to 7-11-105.

(26) "Employer" means a governmental agency participating in a retirement system enumerated in 19-2-302 on behalf of its eligible employees. The term includes an interlocal governmental entity identified as responsible for paying retirement contributions pursuant to 7-11-105.

(27) "Essential elements of the position" means fundamental job duties. An element may be considered essential because of but not limited to the following factors:

(a) the position exists to perform the element;

(b) there are a limited number of employees to perform the element; or

(c) the element is highly specialized.

(28) "Fiscal year" means a plan year, which is any year commencing with July 1 and ending the following June 30.

(29) "Inactive member" means a member who terminates service and does not retire or take a refund of the member's accumulated contributions.

(30) "Internal Revenue Code" has the meaning provided in 15-30-2101.

(31) "Member" means either:

(a) a person with accumulated contributions and service credited with a defined benefit retirement plan or receiving a retirement benefit on account of the person's previous service credited in a retirement system; or

(b) a person with a retirement account in the defined contribution plan.

(32) "Membership service" means the periods of service that are used to determine eligibility for retirement or other benefits.

(33) (a) "Normal cost" or "future normal cost" means an amount calculated under an actuarial cost method required to fund accruing benefits for members of a defined benefit retirement plan during any year in the future.

(b) Normal cost does not include any portion of the supplemental costs of a retirement plan.

(34) "Normal retirement age" means the age at which a member

is eligible to immediately receive a retirement benefit based on the member's age, length of service, or both, as specified under the member's retirement system, without disability and without an actuarial or similar reduction in the benefit.

(35) "Pension" means benefit payments for life derived from contributions to a retirement plan made from state- or employer-controlled funds.

(36) "Pension trust fund" means a fund established to hold the contributions, income, and assets of a retirement system or plan in public trust.

(37) "Plan choice rate" means the amount of the employer contribution as a percentage of payroll covered by the defined contribution plan members that is allocated to the public employees' retirement system's defined benefit plan pursuant to 19-3-2117 and that is adjusted by the board pursuant to 19-3-2121 to actuarially fund the unfunded liabilities and the normal cost rate changes in a defined benefit plan resulting from member selection of the defined contribution plan.

(38) "Regular contributions" means contributions required from members under a retirement plan.

(39) "Regular interest" means interest at rates set from time to time by the board.

(40) "Retirement" or "retired" means the status of a member who has:

(a) terminated from service; and

(b) received and accepted a retirement benefit from a retirement plan.

(41) "Retirement account" means an individual account within the defined contribution retirement plan for the deposit of employer and member contributions and other assets for the exclusive benefit of a member of the defined contribution plan or the member's beneficiary.

(42) "Retirement benefit" means:

(a) in the case of a defined benefit plan, the periodic benefit payable as a result of service retirement, early retirement, or disability retirement under a defined benefit plan of a retirement system. With respect to a defined benefit plan, the term does not mean an annuity.

(b) in the case of the defined contribution plan, a benefit as defined in subsection (10)(b).

(43) "Retirement plan" or "plan" means either a defined benefit plan or a defined contribution plan under one of the public employee retirement systems enumerated in 19-2-302.

(44) "Retirement system" or "system" means one of the public employee retirement systems enumerated in 19-2-302.

(45) "Service" means employment of an employee in a position covered by a retirement system.

(46) "Service credit" means the periods of time for which the required contributions have been made to a retirement plan and that are used to calculate retirement benefits or survivorship benefits under a defined benefit retirement plan.

(47) "Service retirement benefit" means the retirement benefit that the member may receive at normal retirement age.

(48) "Statutory beneficiary" means the surviving spouse or dependent child or children of a member of the highway patrol officers', municipal police officers', or firefighters' unified retirement system who are statutorily designated to receive benefits upon the death of the member.

(49) "Supplemental cost" means an element of the total actuarial cost of a defined benefit retirement plan arising from benefits payable for service performed prior to the inception of the retirement plan or prior to the date of contribution rate increases, changes in actuarial assumptions, actuarial losses, or failure to fund or otherwise recognize normal cost accruals or interest on supplemental costs. These costs are included in the unfunded actuarial liabilities of the retirement plan.

(50) "Survivorship benefit" means payments for life to the statutory or designated beneficiary of a deceased member who died while in service under a defined benefit retirement plan.

(51) "Termination of employment", "termination from employment", "terminated employment", "terminated from employment", "terminate employment", or "terminates employment" means that:

(a) there has been a complete severance of a covered employment relationship by the positive act of either the employee, the employer, or both; and

(b) the member is no longer receiving compensation for covered employment, other than any outstanding lump-sum payment for compensatory leave, sick leave, or annual leave.

(52) "Termination of service", "termination from service", "terminated from service", "terminated service", "terminating service", or "terminates service" means that:

(a) there has been a complete severance of a covered employment relationship by the positive act of either the employee, the employer, or both for at least 30 days;

(b) no written or verbal agreement exists between employee and employer that the employee will return to covered employment in the future;

(c) the member is no longer receiving compensation for covered employment; and

(d) the member has been paid all compensation for compensatory leave, sick leave, or annual leave to which the member was entitled. For the purposes of this subsection (52), compensation does not mean compensation as a result of a legal action, court order, or settlement to which the board was not a party.

(53) "Unfunded actuarial liabilities" or "unfunded liabilities" means the excess of a defined benefit retirement plan's actuarial liabilities at any given point in time over the value of its cash and investments on that same date.

(54) "Vested account" means an individual account within a defined contribution plan that is for the exclusive benefit of a

member or the member's beneficiary. A vested account includes all contributions and the income on all contributions in each of the following accounts:

- (a) the member's contribution account;
- (b) the vested portion of the employer's contribution account; and
- (c) the member's account for other contributions.

(55) "Vested member" or "vested" means:

(a) with respect to a defined benefit plan, except as provided in subsection (55)(b), a member or the status of a member who has at least 5 years of membership service; or

(b) with respect to a member of the highway patrol officers' retirement system established in Title 19, chapter 6, who was hired on or after [the effective date of this act], a member or the status of the member who has at least 10 years of membership service; or

~~(b)~~(c) with respect to the defined contribution plan, a member or the status of a member who meets the minimum membership service requirement of 19-3-2116.

(56) "Written application" or "written election" means a written instrument, prescribed by the board or required by law, properly signed and filed with the board, that contains all required information, including documentation that the board considers necessary.

(57) "Written instrument" includes an electronic record containing an electronic signature, as defined in 30-18-102."

Renumber: subsequent sections

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
APPROPRIATIONS COMMITTEE

DATE: 2/22/13 BILL NO. 84 MOTION NO. _____
 MOTION: Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE GIBSON, VICE CHAIR	☒		
REP. GALEN HOLLENBAUGH, VICE CHAIR	☒		
REP. ROB COOK	☒		
REP. TOM WOODS	☒		☒
REP. RON EHLI	☒		
REP. LEA WHITFORD	☒		
REP. PAT NOONAN	☒		
REP. CHAMP EDMUNDS	☒		
REP. KELLY MCCARTHY	☒		
REP. DAVE HAGSTROM	☒		
REP. ROBERT MEHLHOFF	☒		
REP. DONALD JONES	☒		
REP. RYAN OSMUNDSON		☒	
REP. BILL MCCHESNEY	☒		
REP. CARL GLIMM		☒	
REP. RANDY BRODEHL		☒	
REP. KIMBERLY DUDIK	☒		
REP. NANCY BALLANCE	☒		
REP. ROY HOLLANDSWORTH	☒		
REP. MIKE CUFFE	☒		
REP. DUANE ANKNEY, CHAIRMAN	☒		

Vote 18 - 3

HOUSE OF REPRESENTATIVES
Roll Call Vote
APPROPRIATIONS COMMITTEE

DATE: 2/22/13 BILL NO 87 MOTION NO. Do Pass As Amended
MOTION: _____

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE GIBSON, VICE CHAIR	✓		
REP. GALEN HOLLENBAUGH, VICE CHAIR	✓		
REP. ROB COOK	✓		
REP. TOM WOODS	✓		✓
REP. RON EHLI		✓	
REP. LEA WHITFORD	✓		
REP. PAT NOONAN	✓		
REP. CHAMP EDMUNDS		✓	
REP. KELLY MCCARTHY	✓		
REP. DAVE HAGSTROM		✓	
REP. ROBERT MEHLHOFF	✓		
REP. DONALD JONES		✓	
REP. RYAN OSMUNDSON		✓	
REP. BILL MCCHESENEY	✓		
REP. CARL GLIMM		✓	
REP. RANDY BRODEHL		✓	
REP. KIMBERLY DUDIK	✓		
REP. NANCY BALLANCE		✓	
REP. ROY HOLLANDSWORTH	✓		
REP. MIKE CUFFE		✓	
REP. DUANE ANKNEY, CHAIRMAN	✓		

Vote 12-9

HOUSE OF REPRESENTATIVES
Roll Call Vote
APPROPRIATIONS COMMITTEE

DATE: 2/22/13 BILL NO. 171 MOTION NO. _____
 MOTION: Do Pass
Postponed Indefinitely without
objection

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE GIBSON, VICE CHAIR	✓		
REP. GALEN HOLLENBAUGH, VICE CHAIR		✓	
REP. ROB COOK		✓	
REP. TOM WOODS		✓	✓
REP. RON EHLE	✓		
REP. LEA WHITFORD		✓	
REP. PAT NOONAN		✓	
REP. CHAMP EDMUNDS	✓		
REP. KELLY MCCARTHY		✓	
REP. DAVE HAGSTROM	✓		
REP. ROBERT MEHLHOFF		✓	
REP. DONALD JONES	✓		
REP. RYAN OSMUNDSON	✓		
REP. BILL MCCHESNEY		✓	
REP. CARL GLIMM	✓		
REP. RANDY BRODEHL	✓		
REP. KIMBERLY DUDIK		✓	
REP. NANCY BALLANCE	✓		
REP. ROY HOLLANDSWORTH		✓	
REP. MIKE CUFFE	✓		
REP. DUANE ANKNEY, CHAIRMAN		✓	

Vote 10-11

Failed

HOUSE OF REPRESENTATIVES
Roll Call Vote
APPROPRIATIONS COMMITTEE

DATE: 2/22/13 BILL NO. 241 MOTION NO. _____
 MOTION: Be tabled

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE GIBSON, VICE CHAIR	✓		
REP. GALEN HOLLENBAUGH, VICE CHAIR	✓		
REP. ROB COOK	✓		
REP. TOM WOODS	✓		✓
REP. RON EHLI	✓		
REP. LEA WHITFORD	✓		
REP. PAT NOONAN	✓		
REP. CHAMP EDMUNDS	✓		
REP. KELLY MCCARTHY	✓		
REP. DAVE HAGSTROM	✓		
REP. ROBERT MEHLHOFF	✓		
REP. DONALD JONES		✓	
REP. RYAN OSMUNDSON		✓	
REP. BILL MCCHESENEY	✓		
REP. CARL GLIMM	✓		
REP. RANDY BRODEHL	✓		
REP. KIMBERLY DUDIK	✓		
REP. NANCY BALLANCE	✓		
REP. ROY HOLLANDSWORTH	✓		
REP. MIKE CUFFE	✓		
REP. DUANE ANKNEY, CHAIRMAN	✓		

Vote 19-2

HOUSE OF REPRESENTATIVES
Roll Call Vote
APPROPRIATIONS COMMITTEE

DATE: 2/22/13 BILL NO 330 MOTION NO. _____
MOTION: Do Pass

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE GIBSON, VICE CHAIR	✓		
REP. GALEN HOLLENBAUGH, VICE CHAIR	✓		
REP. ROB COOK	✓		
REP. TOM WOODS	✓		✓
REP. RON EHLE	✓		
REP. LEA WHITFORD	✓		
REP. PAT NOONAN	✓		
REP. CHAMP EDMUNDS	✓		
REP. KELLY MCCARTHY	✓		
REP. DAVE HAGSTROM	✓		
REP. ROBERT MEHLHOFF	✓		
REP. DONALD JONES	✓		
REP. RYAN OSMUNDSON	✓		
REP. BILL MCCHESENEY	✓		
REP. CARL GLIMM	✓		
REP. RANDY BRODEHL	✓		
REP. KIMBERLY DUDIK	✓		
REP. NANCY BALLANCE	✓		
REP. ROY HOLLANDSWORTH	✓		
REP. MIKE CUFFE	✓		
REP. DUANE ANKNEY, CHAIRMAN	✓		

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Appropriations

Committee because of other commitments. I desire to leave my proxy vote with:

REP. HOLLENBAUGH

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

18-3	HB 84 - DO PASS	X	
	HB 87 - HB 008701.01	X	
12-9	HB 87 - AS AMD ^{DO} PASS	X	
9-10	HB 171 - DO PASS		X
19-2	HB 241 - TABLE	X	
	HB 256 - DO PASS	X	
	HB 273 - DO PASS	X	
	HB 286 - DO PASS	X	
	HB 330 - DO PASS	X	
	HB 336 - HB 33601.01	X	
	HB 336 - AS AMD - DO PASS	X	

Rep. Tom Waddle
(Signature)

Date 2/22/2013
[Signature]

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: Vice Chair Llew Jones, on March 11, 2013 at 3:00 PM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Llew Jones, Vice Chair (R)
Sen. Taylor Brown (R)
Sen. Robyn Driscoll (D)
Sen. Tom Facey (D)
Sen. Dave Lewis (R)
Sen. Frederick (Eric) Moore (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Excused: Sen. Jim Peterson, Chair (R)
Sen. Elsie Arntzen (R)

Members Absent: None

Staff Present: Padraic McCracken, Legislative Branch
Elizabeth Whiting, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 286, 3/8/2013
Executive Action: HB 351 - Be Concurred In

HEARING ON HB 286

Opening Statement by Sponsor:

00:14:40 Rep. Clarena Brockie (D), HD 32, opened the hearing on HB 286, Allowing board of regents to waive tuition and fees for certain students.

[EXHIBIT\(eds52a01\)](#)

[EXHIBIT\(eds52a02\)](#)

Proponents' Testimony:

00:18:26 Rep. Nancy Ballance (R), HD 89

[EXHIBIT\(eds52a03\)](#)

00:20:31 Shane Morigeau, Confederated Salish and Kootenai Tribes (CSKT)

[EXHIBIT\(eds52a04\)](#)

00:23:08 Leona Kienenburger, self

00:25:19 Dustin Monroe, Western Native Voice (WNV)

00:26:36 Amy Stiffarm, self

00:30:40 Dennis Parman, Deputy Superintendent of the Office of Public Instruction (OPI)

00:31:57 Jim Higgins, Montana National Guard Association (MNGA)

Opponents' Testimony: None

Informational Testimony:

00:33:14 Kevin McRae, Associate Commissioner for Communications and Human Resources, Office of the Commissioner of Higher Education (OCHE)

00:34:32 Sen. Windy Boy

Questions from Committee Members and Responses:

00:35:02 Sen. Lewis

00:36:07 Rep. Brockie

00:37:05 Sen. Lewis

00:37:13 Sen. Moore

00:37:38 Kevin McRae, OCHE

00:38:45 Sen. Moore

00:40:28 Rep. Ballance

00:40:42 Sen. Brown

00:42:11 Kevin McRae

00:42:53 Sen. Stewart-Peregoy

00:44:15 Rep. Ballance

00:44:23 Sen. Facey

00:45:14 Kevin McRae

00:45:26 Sen. Facey

00:45:40 Sen. Windy Boy

00:46:35 Sen. Jones

00:47:11 Rep. Ballance

00:47:19 Sen. Jones

Closing by Sponsor:

00:47:37 Rep. Brockie

[EXHIBIT](#)(eds52a05)

00:50:02 Sen. Windy Boy left the hearing.

EXECUTIVE ACTION ON HB 351

00:51:44 **Motion/Vote:** Sen. Facey moved that **HB 351 BE CONCURRED IN**. Motion carried 10-0 by voice vote. Sen. Arntzen, Sen. Peterson and Sen. Windy Boy voted by proxy. Sen. Facey will carry the bill.

ADJOURNMENT

Adjournment: 3:42 p.m.

Elizabeth Whiting, Secretary

ew

Additional Documents:

EXHIBIT([eds52aad.pdf](#))

SPONSOR'S EXHIBIT REGARDING FISCAL NOTE NO. 1

DATE 3/11/13
HB 286**Bill Number:** HB286**Date:** Feb 21, 2013**Short Title:** Allowing board of regents to waive tuition and fees for certain students**Sponsor:** Clarena Brockie**Subject:** Disagreement with Fiscal Note – no funding needed**Reference:** 20-25-421 MCA

There is no fiscal impact because while this bill is asking to expand the eligibility for tuition and fee waivers to include residents of Montana who are enrolled members of a state-recognized or federally recognized Indian tribe, it is completely at the discretion of the Montana University System to determine qualifications for and funding of tuition waivers.

As a legislature, we can recommend and define the students we want the Montana University System to consider but we cannot establish the criteria by which waivers will be given.

Both the amount of money waived and the groups who are waived are at the discretion of the Montana University System.

Sponsor's estimate of the fiscal impact:

	FY 2014	FY 2015	FY 2016	FY 2017
Expenditures:	\$0	\$0	\$0	\$0
Revenue:	\$0	\$0	\$0	\$0

HOUSE BILL 286

Good Afternoon Madam Chair and members of the committee. I am Representative Clarena M. Brockie from House District 32. Today I bring you HS 32. This bill is at the request of students and the Fort Belknap Indian Community Council and the Little Shell Band of Indians.

This bill passed out of the House with overwhelming support. It passed out of the Education committee without any opposition. There were 9 proponents and 0 opponents.

The current bill provides for various waivers such as those who served in the armed forces of the U.S.; older residents, and a waiver of tuition and fees for ***“persons of one-fourth Indian Blood or more, who are bona fide residents of Montana for at least one year prior to enrolling in the Montana University system.”*** **Students do not have prove they are members of a tribe or even a tribe from Montana, they only have to prove they are ¼ Indian and residents of Montana.**

There is no guarantee of a fee waiver. In addition to qualify for this waiver, students must: a. complete a FAFSA, and have a financial need; b. Show academic progress;

There are eleven tribes in Montana and seven reservations. These tribes have a special relationship with the state of Montana as well as the U.S. Government through their treaties and other agreements. These treaties include the exchange of land, natural resources and their whole way of life for the health and welfare of these tribes. Including education. Services provided to Native Americans on reservation are based are their enrollment or membership in that tribe. The Indian tribes of Montana do not all have the same requirements for enrollment. At one time ¼ was used as the measuring tool, for many tribes. But some of the tribes of Montana have changed their membership to be less than ¼; for the Cheyenne is has been over twenty years. For the two tribes at Fort Belknap Indian Reservation, it has been over ten years. **These students are not eligible for the tuition waiver.** Because of a shortage in the Tribal Higher Education Program, students are funded only a portion of their unmet need. And with the Pell changes, it has limited the opportunities for the students.

WHY PASS THIS BILL?

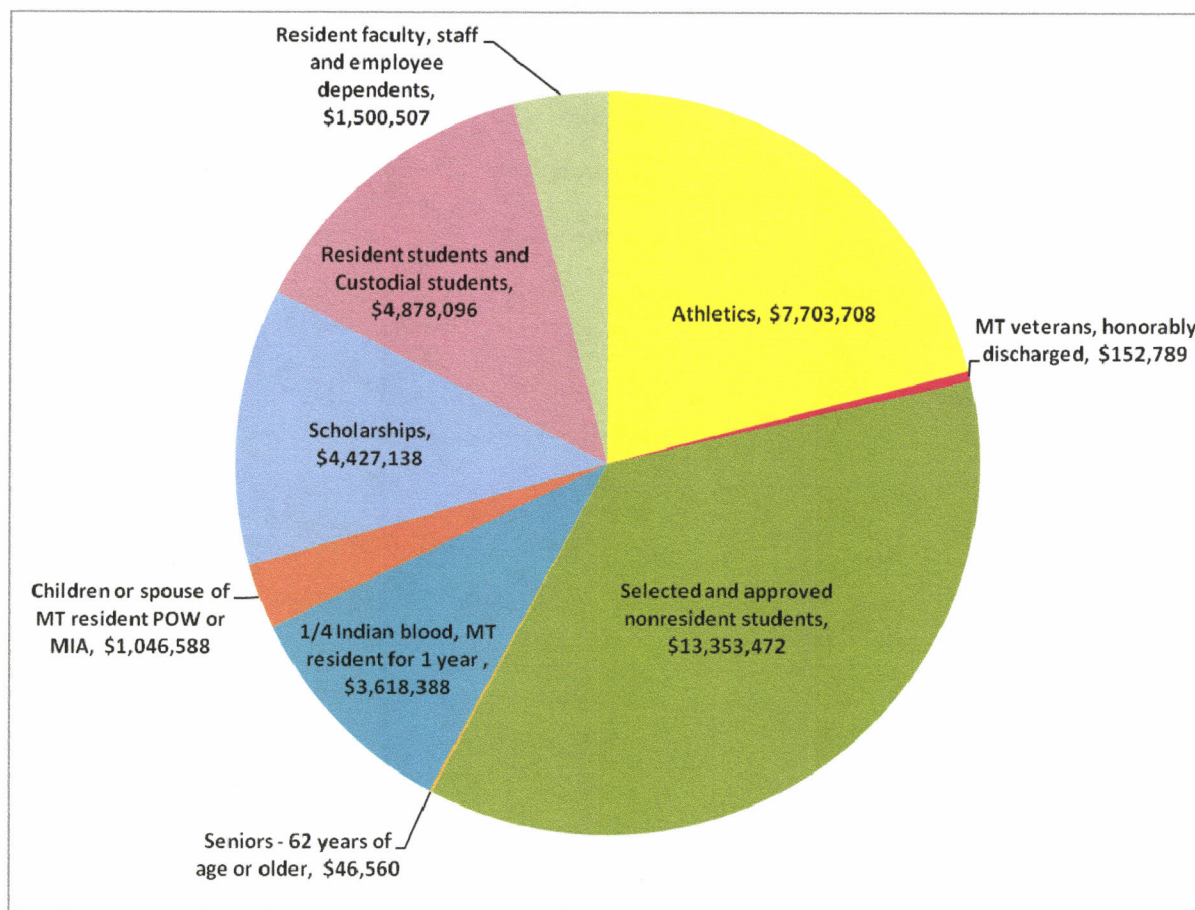
By passing this bill the benefit to the State of Montana would be an investment of the future of these young adults and provide them an affordable education.

- These students will attend four year institutions and those institution will receive full time equivalent funding for everyone one of these students;
- Students will contribute to the community of the college of their choice by the rent, utilities, groceries, daycare, gas and taxes they pay;
- Students will get a good education and become productive citizens of Montana;
- There is a shortage of Native American teachers on the reservation, as well as Native American nurses. Those educated in these areas will address an unmet need on and off reservation.
- Montana Indians generally like staying the in community they grew up on it and many return home after their education. Students who receive their teaching degree return home, students who are trained in the medical field return home, helping to address the high unemployment on reservation.

Montana University System 2012 Tuition Waivers

Recommended Waivers 20-25-421 MCA	
MT veterans, honorably discharged	\$152,789
Selected and approved nonresident students	\$13,353,472
Seniors - 62 years of age or older	\$46,560
1/4 Indian blood, MT resident for 1 year	\$3,618,388
Children or spouse of MT resident POW or MIA	\$1,046,588
Total Recommended Waivers	\$18,217,797

Discretionary Waivers (may be given if funds remaining)	
Athletics	\$7,703,708
Scholarships	\$4,427,138
Resident students and Custodial students	\$4,878,096
Resident faculty, staff and employee dependent	\$1,500,507
Total Discretionary Waivers	\$ 18,509,449



SENATE EDUCATION
 EXHIBIT NO. 3
 DATE 3/11/13
 BY HB 286

Senate
Education and Cultural Resources Committee
Hon. Jim Peterson
63rd Montana State Legislature
Capitol Building
Helena, Montana

March 11, 2013

RE: House Bill 286 "Allowing Board of Regents to Waive Tuition and Fees for Certain Students"

Chairman Peterson and Committee Members:

My name is Shane Morigeau. I am a member of the Confederated Salish and Kootenai Tribes (CSKT) and I am here today on behalf of The Confederated Salish and Kootenai Tribes to support the passage of House Bill 286, a bill that provides educational opportunities for Indians of ¼ Indian blood and enrolled members of federally recognized tribes and state recognized tribes.

Clearly, the state makes efforts to honor tribal inherent rights of self-governance. But the following points are worth mentioning. First, I want the committee to be aware that in order to be an enrolled CSKT member you must meet the one-fourth degree blood quantum requirement. This happens to conform to the current provision in § 20-25-421, MCA that allows for tuition waivers for persons "of one-fourth Indian blood or more." However, the one-fourth-blood quantum enrollment requirement that CSKT requires is not the same requirement for all Montana tribes and each tribe may change their membership requirements at any time.

I am here today because the CSKT fully support the right of tribes to define their own membership. The U.S. Supreme Court has repeatedly affirmed that tribes have an inherent right to determine their own membership. Specifically, in the 1978 case of *Santa Clara Pueblo v. Martinez*, the Supreme Court noted that "[a] tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community." *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978) (emphasis added) (citing *Roff v. Burney*, 168 U.S. 218 (1897)).

With this in mind, the current statutory language that refers only to "persons of one-fourth Indian blood" seems arbitrary. Such language creates the impression that the State does not appreciate tribes' right to define their own membership and is instead endeavoring, on its own, to determine what is "Indian enough." Accordingly, it would be proper under history, law, and policy to add language that refers to "enrolled members of a state-recognized tribe or federally

recognized Indian tribe." This language defers to the right of tribes' to define their own membership.

The CSKT believe that this change will have a more positive impact on tribes in Montana as well. All enrolled members will be eligible to acquire educational opportunities. This in turn will have positive impacts in the state of Montana and reservation communities, as these members will become the next leaders, innovators and entrepreneurs. Ultimately leading to positive economic impacts everywhere in Montana. Please give this bill your full support and a due pass. Thank you.

Thank you,

A handwritten signature in black ink, appearing to read "Shane Morigeau". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shane Morigeau
CSKT Tribal Lobbyist

Fort Belknap Indian Community



Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526-9455
PH: (406) 353-2205
FAX: Council - (406) 353-4541
FAX: Departments - (406) 353-2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboiné and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

TESTIMONY OF THE FORT BELKNAP INDIAN COMMUNITY

HB - 286: 'An Act expanding the eligibility for tuition and fee waivers to include residents of Montana who are enrolled members of a state recognized or federally recognized tribe,' amending section 20-25-421, MCA; and providing an effective date.

Testimony to the Legislative Committee

Good afternoon. My name is Loren 'Bum' Stiffarm and I serve as the Chief Administrative Officer for the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation. In my position I have oversight of all the Tribal Programs at Fort Belknap among these are the Higher Education Program (scholarships), Head Start, Child Care, Upward Bound, and Talent Search.

The Fort Belknap Indian Community Council strongly supports House Bill No. 286 by taking out the language in the current bill which state 'persons of one fourth Indian blood or more' are eligible to participate in this program.

Fort Belknap is one of seven Indian Reservations in the State of Montana and each of the tribal governments have their own Enrollment Offices which has specific enrollment criteria for membership into their respective tribes.

At Fort Belknap we are very unique in that we have two separate tribal nations that reside here. We have the Assiniboiné or Nakoda and the Gros Ventre or Aaniiih Nakoda nations that live here.

However, the enrollment criteria for membership enrollment at Fort Belknap used to be that you could be enrolled into Fort Belknap if you were of certain degrees of Indian blood. These were:

- ◆ 1/4 degree of Gros Ventre blood
- ◆ 1/4 degree of Assiniboine blood
- ◆ 1/4 combination of both Gros Ventre or Assiniboine blood

In 2001, the Fort Belknap Indian Community Council changed the Eligibility for Enrollment to:

- ◆ Each person of one eighth (1/8) or more Indian blood, as defined in the Fort Belknap Indian Community's Constitution as stated in language previously mentioned.

So, in essence the Council changed our enrollment criteria from 1/4 to 1/8 blood quantum. But as the current language in state statute now is such that some of our 200 college students would not be able to qualify for the State Fee Waiver simply because of our blood quantum

I am a prime example of how college students would be adversely affected if the language is not changed.

- ◆ I am 7/8 degree Indian blood. My mother is a full blooded Cree enrolled at Rocky Boy. My father was 3/4 Gros Ventre enrolled at Fort Belknap.
- ◆ So, I am 1/2 Cree blood as well as 3/8 Gros Ventre blood and enrolled at Fort Belknap.

But what is even more confusing is that my children are:

- ◆ 1/4 degree of Cree blood but are not enrolled at Rocky Boy.
- ◆ 1/8 degree of Gros Ventre blood but are enrolled in Fort Belknap.

If you were to pass HB 286, my children would have been eligible to participate in the program while they were in college . But again it is a need based program and they would not have qualified anyway due to other circumstances. So what this tells you, is just because you are changing the language in the bill, ***not all Indian students will be eligible for the State Fee Waiver as it is a need based program.***

I would again like to voice the Fort Belknap Indian Community's strong support for HB 286. I thank you very much for the opportunity to testify on this bill.

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - ***Petitions if any.**
 - ***Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

**Montana Historical Society
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225 N. Roberts
Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton**

BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Date: Wednesday, March 11, 2013
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD:

HB 286 - Allowing board of regents to waive tuition and fees for certain students - Rep. Clarena Brockie

EXECUTIVE ACTION TAKEN: *HB 351- Be Concurred In.*

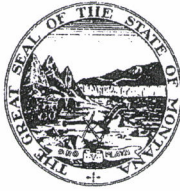
Comments:


SEN. Jim Peterson, Chair

MONTANA STATE SENATE
Roll Call
EDUCATION AND CULTURAL RESOURCES

DATE: 3/11/13

[illegible]



SENATE STANDING COMMITTEE REPORT

March 11, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 351**
(third reading copy -- blue) **be concurred in.**

Signed:


Senator Jim Peterson, Chair

To be carried by Senator Cliff Larsen

- END -

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

HB0351001SC13681.swr

SENATE PROXY

I, Senator Elsie Arntzen hereby authorize Senator Llew Jones to vote my proxy before the Senate Education and Cultural Resources meeting held on _____, 2013.

Senator Signature

Date _____

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

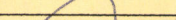
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SENATE PROXY

I, Senator Jim Peterson hereby authorize Senator Llew Jones to vote my proxy before the Senate Education and Cultural Resources meeting held on , 2013.

on _____, 2013.



Senator Signature

3/11/13
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator Jonathan Windy Boy hereby authorize Senator Tom Facey to vote my proxy before the Senate Education and Cultural Resources meeting held on 3/11/13, 2013.

Senator Signature _____

Date _____

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

MONTANA STATE SENATE

Visitors Register

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Monday, March 11, 2013

HB 286 - Allowing board of regents to waive tuition and fees for certain students

Sponsor: **Rep. Clarena Brockie**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: Vice Chair Jones, on March 27, 2013 at 3:00 PM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Llew Jones, Vice Chair (R)
Sen. Elsie Arntzen (R)
Sen. Taylor Brown (R)
Sen. Robyn Driscoll (D)
Sen. Tom Facey (D)
Sen. Dave Lewis (R)
Sen. Frederick (Eric) Moore (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Excused: Sen. Jim Peterson, Chair (R)

Members Absent: None

Staff Present: Padraic McCracken, Legislative Branch
Elizabeth Whiting, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: HB 182 - Be Concurred In
HB 240 - Be Concurred In As Amended
HB 313 - Be Concurred In
HB 286 - Be Concurred In As Amended
HJ 14 - Be Concurred In
HB 301 - Be concurred In As Amended
SB 374 - Do Pass As Amended
HB 181 - Be Tabled

EXECUTIVE ACTION ON HB 181

00:09:41 **Motion:** Sen. F. Moore moved that **HB 181 BE CONCURRED IN.**

Discussion:

00:09:59 Sen. Facey
00:11:27 Sen. Moore
00:11:46 Sen. Arntzen

00:13:38 **Vote:** Motion failed 3-7 by roll call vote with Sen. Lewis, Sen. Moore and Sen. Windy Boy voting aye. Sen. Peterson voted by proxy.

00:13:40 **Motion/Vote:** Sen. F. Moore moved that **HB 181 BE TABLED AND THE VOTE REVERSED.** Motion carried 9-0 by voice vote. Sen. Peterson was excused.

EXECUTIVE ACTION ON HB 182

00:14:04 **Motion/Vote:** Sen. F. Moore moved that **HB 182 BE CONCURRED IN.** Motion carried 6-4 by roll call vote with Sen. Brown, Sen. Driscoll, Sen. Peterson and Sen. Windy Boy voting no. Sen. Peterson voted by proxy. Sen. Lewis will carry the bill.

Discussion:

00:14:29 Sen. Facey
00:15:23 Sen. Jones

EXECUTIVE ACTION ON HB 240

00:15:27 **Motion:** Sen. F. Moore moved that **HB 240 BE CONCURRED IN.**

00:16:44 **Motion:** Sen. F. Moore moved that **HB 240 BE AMENDED.**
[EXHIBIT\(eds66a01\)](#)

Discussion:

00:18:40 Sen. Arntzen
00:18:58 Sen. Moore
00:19:45 Pad McCracken, Legislative Services Division (LSD)
00:20:24 Sen. Arntzen
00:20:41 Sen. Moore
00:21:03 Sen. Driscoll
00:21:23 Sen. Moore
00:21:45 Sen. Brown
00:22:15 Sen. Moore

00:22:24 **Vote:** Motion carried 7-3 by roll call vote with Sen. Driscoll, Sen. Stewart-Peregoy and Sen. Windy Boy voting no. Sen. Peterson voted by proxy.

00:23:28 **Motion:** Sen. Facey moved that **HB 240 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

Discussion:

00:24:35 Sen. Jones
00:24:42 Pad McCracken, LSD
00:25:38 Sen. Moore
00:26:39 Sen. Jones
00:26:55 Sen Brown

00:26:58 **Vote:** Motion carried 7-3 by roll call vote with Sen. Arntzen, Sen. Driscoll and Sen. Moore voting no. Sen. Peterson voted by proxy.

00:29:37 **Motion/Vote:** Sen. F. Moore moved that **HB 240 BE CONCURRED IN AS AMENDED.** Motion carried 6-4 by roll call vote with Sen. Driscoll, Sen. Facey, Sen. Stewart-Peregoy and Sen. Windy Boy voting no. Sen. Moore will carry the bill.

EXECUTIVE ACTION ON HB 301

00:29:57 Sen. Jones

00:30:22 **Motion:** Sen. F. Moore moved that **HB 301 BE CONCURRED IN.**

Discussion:

00:30:36 Sen. Facey
00:30:59 Sen. Brown

00:32:08 **Motion:** Sen. F. Moore moved that **HB 301 BE AMENDED BY A CONCEPTUAL AMENDMENT.**

Discussion:

00:32:25 Sen. Facey
00:32:39 Sen Jones
00:32:44 Sen. Windy boy
00:33:22 Pad McCracken
00:33:49 Sen Jones

00:34:02 Without objection, Sen. F. Moore withdrew the BE AMENDED WITH A CONCEPTUAL AMENDMENT motion.

00:34:09 Sen. Jones
00:34:28 Pad McCracken
00:36:04 Sen. Jones

00:36:27 **Motion:** Sen. L. Jones moved that **HB 301 BE AMENDED.**

EXHIBIT(eds66a02)

Discussion:

00:36:34 Sen. Windy Boy
00:37:38 Pad McCracken
00:37:40 Sen. Windy Boy

00:37:45 **Vote:** Motion carried 10-0 by voice vote. Sen. Peterson voted by proxy.

00:38:30 Sen. Jones
00:40:02 Pad McCracken
00:40:46 Sen. Arntzen
00:40:55 Pad McCracken
00:41:54 Sen. Jones
00:41:56 Pad McCracken
00:42:11 Sen. Jones

00:42:28 **Motion:** Sen. F. Moore moved that **HB 301 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

Discussion:

00:42:54 Sen. Jones

00:42:58 **Vote:** Motion carried 10-0 by voice vote. Sen. Peterson voted by proxy.

00:43:27 **Motion/Vote:** Sen. F. Moore moved that **HB 301 BE CONCURRED IN AS AMENDED.** Motion carried 10-0 by voice vote. Sen. Peterson voted by proxy. Sen. Facey will carry the bill.

EXECUTIVE ACTION ON HB 313

00:44:24 **Motion:** Sen. F. Moore moved that **HB 313 BE CONCURRED IN.**

Discussion:

00:44:33 Sen. Facey
00:45:37 Sen. Brown
00:46:51 Sen. Jones
00:46:55 Sen. Arntzen
00:47:26 Sen. Jones
00:47:33 Sen. Facey
00:48:41 Sen. Brown
00:49:24 Sen. Jones
00:49:35 Sen. Brown
00:49:38 Dennis Parman, Deputy Superintendent, Office of Public Instruction (OPI)
00:50:18 Sen. Brown
00:50:33 Sen. Windy Boy
00:51:12 Pad McCracken
00:51:32 Sen. Windy Boy

00:52:26 Sen. Jones
 00:52:31 Sen. Stewart-Peregoy
 00:54:59 Sen. Arntzen
 00:56:35 Dennis Parman, OPI
 00:56:49 Sen. Windy Boy
 00:57:48 Sen. Jones
 00:57:53 Sen. Brown
 00:58:52 Sen. Arntzen
 00:59:39 Sen. Jones

 00:59:46 **Vote:** Motion carried 7-3 by roll call vote with Sen. Arntzen, Sen. Stewart-Peregoy and Sen. Windy Boy voting no. Sen. Peterson voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 286

01:01:26 **Motion:** Sen. Lewis moved that **HB 286 BE CONCURRED IN.**

01:01:35 **Motion:** Sen. Lewis moved that **HB 286 BE AMENDED.**
[**EXHIBIT\(eds66a03\)**](#)

Discussion:

01:02:26 Sen. Jones
 01:02:32 **Vote:** Motion carried 10-0 by voice vote. Sen. Peterson voted by proxy.
 01:02:53 **Motion:** Sen. Lewis moved that **HB 286 BE CONCURRED IN AS AMENDED.**

Discussion:

01:03:00 Sen. Windy Boy
 01:03:36 Sen. Jones

 01:04:15 **Vote:** Motion carried 9-1 by voice vote with Sen. Brown voting no. Sen. Peterson voted by proxy. Sen. Thomas will carry the bill.

EXECUTIVE ACTION ON HJ 14

01:05:05 **Motion:** Sen. Arntzen moved that **HJ 14 BE CONCURRED IN.**

Discussion:

01:05:39 Sen. Lewis
 01:06:12 Sen. Facey
 01:07:06 Sen. Windy Boy
 01:08:50 Sen. Brown
 01:09:32 Sen. Jones

01:09:35 **Vote:** Motion carried 7-3 by roll call vote with Sen. Arntzen, Sen. Facey and Sen. Lewis voting no. Sen. Peterson voted by proxy. Sen. Windy Boy will carry the bill.

EXECUTIVE ACTION ON SB 374

01:10:41 **Motion:** Sen. Lewis moved that **SB 374 DO PASS AS AMENDED.** (previously amended on March 22, 2013)

Discussion:

01:11:09 Sen. Lewis
 01:12:00 Sen. Brown
 01:12:44 Sen. Jones
 01:13:03 Sen. Arntzen
 01:13:08 Sen. Facey
 01:19:17 Sen. Lewis
 01:21:41 Sen. Driscoll
 01:22:10 Sen. Stewart-Peregoy
 01:29:15 Sen. Jones
 01:29:20 Sen. Moore
 01:29:26 Dennis Parman
 01:32:45 Sen. Stewart-Peregoy
 01:34:00 Sen. Jones
 01:34:04 Sen. Moore
 01:36:25 Sen. Lewis
 01:37:07 Dennis Parman
 01:37:13 Sen Facey
 01:37:28 Sen. Lewis
 01:39:21 Sen. Facey
 01:40:38 Sen. Lewis
 01:41:21 Sen. Windy Boy
 01:44:42 Sen. Brown
 01:47:29 Sen. Facey
 01:49:32 Sen. Stewart-Peregoy
 01:51:40 Sen. Jones
 01:52:03 Sen. Lewis

01:52:19 **Vote:** Motion carried 7-3 by roll call vote with Sen. Driscoll, Sen. Facey and Sen. Stewart-Peregoy voting no. Sen. Peterson voted by proxy.

Discussion:

01:53:24 Sen. Jones
 01:53:37 Sen. Brown
 01:53:53 Sen. Jones

ADJOURNMENT

Adjournment: 5:13 p.m.

Elizabeth Whiting, Secretary

ew

Additional Document

Additional Documents:

EXHIBIT([eds66aad.pdf](#))

Amendments to House Bill No. 286
3rd Reading Copy

SENATE EDUCATION

EXHIBIT NO.

3

DATE

3/27/13

BILL NO.

HB 286

Requested by Senator Dave Lewis

For the Senate Education and Cultural Resources Committee

Prepared by Pad McCracken
March 5, 2013 (9:19am)

1. Title, page 1, line 7.

Following: "TRIBE"

Insert: "LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA"

2. Page 1, line 24.

Following: "tribe"

Insert: "located within the boundaries of the state of Montana"

- END -

Montana State Legislature

2013 Session

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and may be viewed there.**

**Montana Historical Society
Archives**

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2013 Legislative Scanner Susie Hamilton

BUSINESS REPORT

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

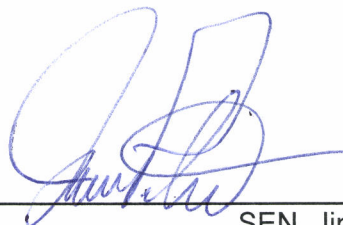
SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

Date: Wednesday, March 27, 2013
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD: None

EXECUTIVE ACTION TAKEN: HB 182 Be Concurred In
HB 240 Be Concurred In As Amended
HB 313 Be Concurred In
HB 286 Be Concurred In As Amended
HJ 14 Be Concurred In
Comments: HB 301 Be Concurred In As Amended
SB 374 Do Pass As Amended
HB 181 Be Tabled



SEN. Jim Peterson, Chair

MONTANA STATE SENATE
Roll Call
EDUCATION AND CULTURAL RESOURCES

DATE: 3/27/13

[illegible]

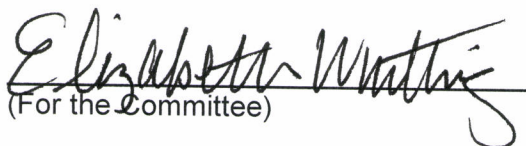
BILL TABLED NOTICE

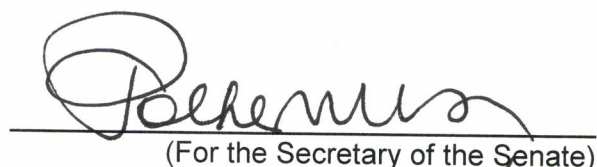
SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

The **SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE** TABLED

**HB 181 - Allow local trustees to define ratio of certified library personnel to students -
Rep. Nancy Ballance**

by motion, on **Wednesday, March 27, 2013** (PLEASE USE THIS ACTION DATE IN LAWS
BILL STATUS).

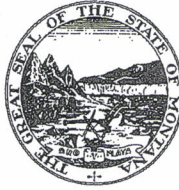

(For the Committee)


(For the Secretary of the Senate)
6:45, 4/2
(Time) (Date)

March 28, 2013 (2:37pm)

Elizabeth Whiting, Secretary

Phone: 444-7363



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Joint Resolution 14** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Jim Peterson, Chair

To be carried by Senator Jonathan Windy Boy

- END -

Committee Vote:

Yes 7, No 3

Fiscal Note Required ____

HJ0014001SC12893.swr



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 182**
(third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Jim Peterson, Chair

To be carried by Senator Dave Lewis

- END -

Committee Vote:

Yes 6, No 4

Fiscal Note Required ☐

HB0182001SC13747.swr



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 2

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 240** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Jim Peterson, Chair

To be carried by Senator Frederick (Eric) Moore

And, that such amendments read:

1. Title, page 1, line 7 through line 8.

Strike: "PROHIBITING" on line 7 through "EXCEPTIONS;" on line 8

2. Title, page 1, line 12.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

3. Page 2, line 12.

Strike: "6"

Insert: "5"

4. Page 3, line 5 through line 20.

Strike: section 4 in its entirety

ReNUMBER: subsequent sections

5. Page 3, line 22.

Strike: "Firearms permitted"

Insert: "Regulation of firearms prohibited"

6. Page 3, line 22 through line 23.

Strike: "subsection" on line 22 through "(2)" on line 23

Insert: "subsections (2) and (3)"

7. Page 4, line 11.

Committee Vote:

Yes 6, No 4

Fiscal Note Required ☐

Following: line 11

Insert: "(3) The board of regents or a unit of the university system may regulate or restrict the possession, carrying, transportation, or storage of firearms upon or within university system property if the board of regents or a unit of the university system designs and implements a "campus carry" program in which a person who applies for and is granted a "campus carry" permit is allowed to possess, carry, transport, and store a firearm upon or within university system property."

8. Page 4, line 14.

Strike: "6"

Insert: "5"

9. Page 4, line 20.

Strike: "6"

Insert: "5"

10. Page 5, line 23.

Strike: "6"

Insert: "5"

11. Page 5, line 25.

Strike: "6"

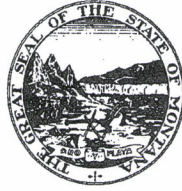
Insert: "5"

12. Page 6, line 1.

Strike: "on passage and approval"

Insert: "January 1, 2014"

- END -



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 2

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 301** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Jim Peterson, Chair

To be carried by Senator Tom Facey

And, that such amendments read:

1. Title, page 1, line 4.

Following: "DISTRICT"

Insert: ", A K-12 DISTRICT,"

2. Title, page 1, line 5 through line 6.

Strike: "TO 100%" on line 5 through "TAXATION" on line 6

3. Page 1, line 17.

Strike: "100%"

Insert: "80%"

4. Page 1, line 23.

Strike: "is up to 100%"

Insert: "regardless of whether the general obligation bonds finance elementary program improvements or high school program improvements, is the sum of 80%"

5. Page 1, line 23.

Following: "property"

Insert: "in its elementary program"

Following: "taxation"

Insert: "and 80% of the taxable value of the property in its high school program subject to taxation"

Committee Vote:

Yes 10, No 0

Fiscal Note Required ☐

6. Page 1, line 25.

Strike: "The"

Insert: "Unless the maximum amount calculated under subsection
(1)(a) yields a greater amount, the"

7. Page 1, line 30.

Strike: "50%"

Insert: "80%"

8. Page 2, line 1.

Following: "district,"

Insert: "unless the maximum amount calculated under subsection
(1)(b) yields a greater maximum amount,"

9. Page 2, line 2.

Strike: "50%"

Insert: "80%"

10. Page 3, line 10.

Strike: "100%"

Insert: "80%"

- END -



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 313**
(third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in black ink, appearing to read "Jim Peterson", is written over a horizontal line.

Senator Jim Peterson, Chair

To be carried by Senator Taylor Brown

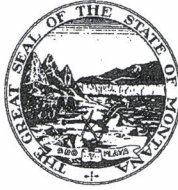
- END -

Committee Vote:

Yes 7, No 3

Fiscal Note Required ☐

HB0313001SC13751.swr



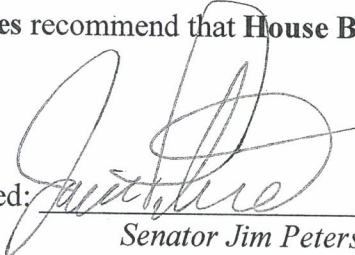
SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **House Bill 286** (third reading copy -- blue) **be concurred in as amended.**

Signed: 
Senator Jim Peterson, Chair

To be carried by Senator Fred Thomas

And, that such amendments read:

1. Title, page 1, line 7.

Following: "TRIBE"

Insert: "LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA"

2. Page 1, line 24.

Following: "tribe"

Insert: "located within the boundaries of the state of Montana"

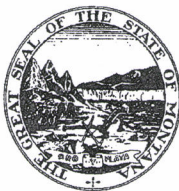
- END -

Committee Vote:

Yes 9, No 1

Fiscal Note Required ☐

HB0286001SC14716.swr



SENATE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 5

Mr. President:

We, your committee on **Education and Cultural Resources** recommend that **Senate Bill 374** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Jim Peterson, Chair

And, that such amendments read:

1. Page 2, line 20.

Strike: "for-profit" through "organization,"

2. Page 2, line 21.

Strike: ", school" through "entity"

3. Page 2, line 22.

Strike: "educational" through "or"

4. Page 5, line 12.

Following: "."

Insert: "The total number of public charter schools for which the commission may act as authorizer is five for fiscal year 2014, and this number must increase by five for each subsequent fiscal year."

5. Page 5, line 13.

Strike: "register"

Insert: "apply"

6. Page 5, line 15.

Strike: "[section 6]"

Insert: "an authorizer"

7. Page 6, line 12.

Strike: the first "and"

Committee Vote:

Yes 7, No 3

Fiscal Note Required ____

Following: "nonrenewal"

Insert: ", and school closure"

8. Page 7, line 11.

Following: line 11

Insert: "(v) addressing the dropout rate;"

Renumber: subsequent subsections

9. Page 13, line 13.

Strike: "substantial educational services,"

Strike: "or both,"

10. Page 14, line 3.

Following: line 3

Insert: "(11) If a public charter school proposal does not contain the elements required in this section, the authorizer may consider the proposal nonresponsive and reject the proposal without the process described in subsection (12)."

Renumber: subsequent subsections

11. Page 14, line 15 through line 16.

Strike: "Within" on line 15 through "proposal." on line 16

Insert: "The authorizer shall approve or deny the charter proposal within 60 days after the filing of a charter proposal, except the commission has up to 120 days if more than three proposals have been submitted to the commission within 30 days. The commission shall notify the applicant of the expected timeline for approval or denial.
(b) "

Renumber: subsequent subsections

12. Page 17, line 17.

Following: "attendance"

Insert: ", dropout, promotion, and graduation rates"

13. Page 17, line 19.

Following: line 19

Insert: "(g) attainment of accreditation from a regionally or nationally recognized accreditation agency;"

Renumber: subsequent subsections

14. Page 17, line 21.

Strike: "performance"

Insert: "elections, performance,"

15. Page 20, line 26.

Following: "reason, the"

Insert: "nonrestricted distributable"

16. Page 20, line 28.

Following: "school,"

Insert: "then to public school districts to which students previously attending the closed charter school are returning on a prorated per-pupil basis,"

17. Page 21, line 21.

Following: line 21

Insert: "(e) The founding governing board of a public charter school may not be in place for longer than 3 years of operation, at which time the governing board must be elected by a process outlined in the charter school bylaws. The election process must include the following:

(i) parents and guardians of students enrolled in the school shall nominate candidates for the governing board;

(ii) if the number of nominees is equal to the number of vacancies, no election is required;

(iii) if the number of nominees is greater than the number of vacancies, the election must be decided by the qualified electors of the district as part of the next regular school election; and

(iv) the terms of board members must be staggered to ensure continuity on the governing board."

18. Page 21, line 22.

Following: "created"

Insert: "with fewer than 12 students or"

19. Page 21, line 29.

Following: line 29

Insert: "(3) A public charter school shall function as a local educational agency. A public charter school is responsible for meeting the requirements of a local educational agency under applicable federal, state, and local laws, including those relating to special education."

Renumber: subsequent subsections

20. Page 22, line 25.

Following: line 25

Insert: "(b) A public charter school shall establish and publish a grievance policy that includes contact information for the school's authorizer and the commission."

Renumber: subsequent subsections

21. Page 23, line 2.

Following: line 2

Insert: "(f) A public charter school shall establish purchasing procedures that include a competitive bidding process for purchases or contracts exceeding \$50,000."

(g) Members of the public charter school governing board and school administrators shall disclose private financial interests, if any exist, prior to taking official action."

22. Page 23, line 4.

Strike: "the qualification of"

Insert: "federally defined highly qualified"

23. Page 23, line 14.

Following: line 13

Insert: "(e) A public charter school shall maintain a record of the qualifications of each teacher employed by the school."

24. Page 23, line 15 through line 17.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

25. Page 23, line 30.

Following: "equal to"

Insert: "65% of"

Following: "total"

Insert: "annual"

26. Page 24, line 1.

Strike: "for the previous school year"

Insert: ", not to exceed \$8,000"

27. Page 24, line 2.

Following: "figure"

Insert: "based on the most current available data"

28. Page 24, line 7.

Strike: subsection (e) in its entirety

Renumber: subsequent subsections

29. Page 24, line 10.

Strike: subsection (h) in its entirety

Renumber: subsequent subsections

30. Page 24, line 12.

Strike: subsection (j) in its entirety

Renumber: subsequent subsections

31. Page 24, line 17.

Strike: subsection (o) in its entirety

Renumber: subsequent subsections

32. Page 24, line 18.

Following: "acquisition;"

Insert: "and"

33. Page 24, line 19 through line 22.

Strike: ";" on line 19 through "agreement" on line 22

- END -

DATE 3/27/13 BILL NO. AB 181 MOTION NO. 1
MOTION: _____

[illegible]

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HB182 MOTION NO. 1
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN		✓	
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN		✓	proxy

6-4

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HB240 MOTION NO. _____
 MOTION: amend

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

7-3

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO. HB 240 MOTION NO. 1
 MOTION: conceptual

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN		✓	
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE		✓	
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

7 3

DATE 3/27/13 BILL NO. HB 240 MOTION NO. _____
MOTION: _____
_____ *amended 2X* _____

[illegible]

6 4

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HB 313 MOTION NO. _____
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY	✓		
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN		✓	
SENATOR ROBYN DRISCOLL	✓		
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

2-3

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE 3/27/13 BILL NO HJ 14 MOTION NO. _____
 MOTION: _____

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR WYLLON BROWN	✓		
SENATOR ELSIE ARNTZEN		✓	
SENATOR ROBYN DRISCOLL	✓		
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS		✓	
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

10

7-3

MONTANA STATE SENATE
Roll Call Vote
EDUCATION & CULTURAL RESOURCES COMMITTEE

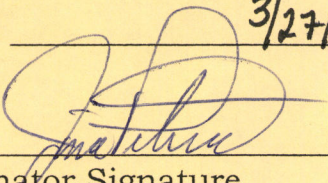
DATE _____ BILL NO. SB 374 MOTION NO. _____
 MOTION: aa

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR LLEW JONES, VICE CHAIRMAN	✓		
SENATOR TOM FACEY		✓	
SENATOR TAYLOR BROWN	✓		
SENATOR ELSIE ARNTZEN	✓		
SENATOR ROBYN DRISCOLL		✓	
SENATOR ERIC MOORE	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JONATHAN WINDY BOY	✓		
SENATOR DAVE LEWIS	✓		
SENATOR JIM PETERSON, CHAIRMAN	✓		proxy

7-3

SENATE PROXY

I, Senator Jim Peterson hereby authorize Senator Llew Jones to vote my proxy before the Senate Education and Cultural Resources meeting held on 3/27/13 2013.



Senator Signature

Date

Said authorization is as follows: *(mark only one)*

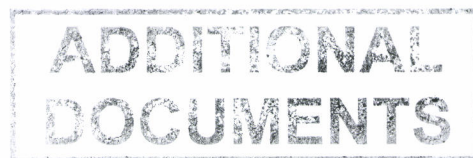
- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 181		✓
HB 182		✓
HB 240 HB 024004. apm	✓	
HB 240 Conceptual amend.	✓	
HB 240 Amend. 2x	✓	
HB 286 HB 028611. apm	✓	
HB 286 Amended	✓	
HB 301 HB 030101. apm	✓	
HB 301 Conceptual Amend	✓	
HB 301 Amend. 2x	✓	
HB 313	✓	
HJ 14	✓	
SB 374 as amended	✓	

100

Whiting, Elizabeth

From: McCracken, Pad
Sent: Tuesday, March 26, 2013 8:44 AM
To: 'McRae, Kevin'
Cc: Whiting, Elizabeth
Subject: RE: Fwd: Campus carry



Kevin, I'm cc'ing Elizabeth, the committee secretary, with this request. I believe Chairman Peterson is fine with Elizabeth printing letters and emails and distributing to committee. Elizabeth, if this is not the case, please reply to Kevin and he can email or distribute to committee members.

Pad McCracken
Research Analyst
Montana Legislative Services
406-444-3595
padmccracken@mt.gov

Could you please provide Senate Ed Committee members with the information below that I provided to Sen. Moore regarding amendments to HB 240?

Thank you.

(1.) Given the Legislature's concession on the point that it's legal to prohibit firearms in 40% of state government buildings (non-university-system buildings), which the Legislature does via statute, we don't understand the legal basis for the Legislature's directive that guns be permitted in 60% of state buildings (university system buildings). The Legislature's intent to regulate Board of Regent authority on firearms carry on 60% of state property is concerning given the Legislature's acknowledgment that prohibiting firearms is legal/constitutional on 40% of state property.

(2.) The amendment appears to require the university to allow anyone who has a concealed carry permit, and who has taken one of Mr. Marbut's or similar courses, to carry a gun anywhere on campus. This still has the effect of a broad concealed carry bill for campuses (in conflict with the Legislature's law/rule for 40% of state property).

(3.) Regardless of the legal question in #1 above, we still genuinely believe campuses are safer with current rules in place. Would not the MSSA maintain that people can open-carry anywhere, so, if we allow concealed carry on campus (per the amendment), won't we be facing the carrying of firearms both concealed and openly?

Sincerely,

Kevin McRae
Associate Commissioner of Higher Education